



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Thursday, Nov. 1, 2018**

## **Executive Office for Immigration Review**

100+ immigrants waited in line in 10 cities for court dates that didn't exist..... 3

[MA] Why The Immigration Court Backlog In Mass. Is Growing Faster Than In Almost Any Other State..... 3

[FL] Confusion over court dates lead to long lines, anger outside Orlando Immigration Court..... 4

[IL] Immigration attorneys blame a glitch for long lines in Chicago court..... 4

[TX] Undocumented families face anxiety while waiting longer for court dates..... 5

## **Policy and Legislative News**

Trump wants to change the rules of citizenship. Here are three reasons his proposal might be unconstitutional..... 5

Trump vows to end 'crazy' birthright citizenship in closing midterms appeal. 5

Trump's birthright citizenship proposal isn't just an electoral stunt ..... 6

President Trump may have met his match when it comes to U.S. citizenship: The 14th Amendment ..... 6

Kobach: 'Misimpression' that 14th Amendment guarantees birthright citizenship .....6

In a Fit of Pique, Trump Attacks Ryan Just Days Before Midterm Elections.....7

Sen. Lindsey Graham Says He'll Introduce Legislation To End Birthright Citizenship .....7

Harry Reid once said 'no sane country' would allow birthright citizenship. He regrets it again.....8

Trump says he may send 15,000 troops to U.S.-Mexico border .....8

New Migrant Caravans Trek North, Ignoring Political Repercussions.....9

Despite stricter U.S. immigration rules, more asylum-seekers flow across border ..... 10

For Trump, a 'national emergency' is anything he says it is — including the migrant caravan ..... 10

Trump highlights days-old violent clash between caravan and Mexican authorities..... 11

Caravan is a concerted effort by Honduran leftists to bypass U.S. immigration laws ..... 11

Trump Says Mexican Troops 'Unable or Unwilling' to Stop Migrants .....	11
Mexico Deports 2 Caravan Migrants Wanted for Murder, Drug Trafficking...	12
Homan: Migrant Caravan Is 'More Sophisticated' Than Past Groups, Trump Right to Send Troops .....	12
Migrant Caravan Troop Deployment Could Cost U.S. \$50 Million Despite No Evidence of Terrorists, Major Criminal Gang Presence .....	12
What Happens If The Caravan Makes It To The Border? .....	13
Sanders: Dems, Media 'Overplaying Their Hand' With Criticism of Trump on Immigration .....	13
Trump's enforcement tactics will not deter new flow of migrants, says policy analyst .....	14
Caravan Problem Exists Because of our Inane Asylum Standards.....	14
'Non-Meritorious' Asylum Seekers From Central America Crowd Out Legitimate Applicants .....	14
Trapped In Tijuana: U.S. Asks Asylum-Seekers To Wait Amid Record Homicides .....	15
In the migrant caravan, a teen traveling without his parents faces an agonizing choice.....	15
Border surge highest since 2011, each illegal immigrant costs \$70,000, 7X deportation price.....	16
Democratic senators want hearing on funding diversions for migrant children	16
[NY] Trump's citizenship vow faces N.Y. obstacles.....	16
[PA] Protesters continue to demand action on Berks family detention center .....	16
[TX] More Than 150 Families Who Were Separated at the Border Remain Locked Up in Texas.....	17

[TX] Thousands Of Immigrant Children Held In Tent Cities, Detention Centers In Texas .....	17
[TX] Undocumented immigrants say a better life – not children's citizenship – the main reason they come to Texas ..	17
[NM] A look at one Las Cruces church offering shelter to immigrants seeking asylum .....	18
[AZ] To some Arizona border residents troop deployment seems ridiculous .....	18
[Canada] Exclusive: Canada rushes to deport asylum seekers who walked from U.S. – data.....	18

## Legal News

BIA Denies Mexican's Bid To Stop Removal Over Mental Health.....	19
3rd Circ. Upholds Man's Deportation For Counterfeit Check .....	19
BBB Warns About Immigration Service Scams .....	20
[NY] State official warns against scams targeting immigrants .....	20
[VA] Man who is deaf and mute argues for dismissal of capital murder charges in 2005 rape, murder .....	21
[CA] DHS Denied Her DACA Bid As Retaliation, Activist Claims .....	21
[CA] U.S. citizen detained by ICE after computer error wins \$55K settlement..	22

## Enforcement News

ICE Is Throwing A Record Number Of 18-Year-Olds Into Adult Detention On Their Birthdays .....	22
[ME] Second man identified in border closure incident in Houlton.....	23
[NY] Saudi Sisters Found Dead Bound With Duct Tape in New York Had Applied for Asylum .....	23
[NY] 'The worst mistake': Greene County father in immigration detention for 10 months .....	23

[GA] Immigrants facing deportation held in private Georgia prison.....	24
[TX] Fugitive 18th Street Gang Member Arrested by Border Patrol Agents .....	24
[TX] Advocacy group: Detained woman needs to be released to protect daughter .....	25

[ID] African immigrant reaches nation's capital before his deportation gets postponed .....	25
[AZ] Illegal Immigrant Accused of Serial Rape in Arizona.....	25

## Executive Office for Immigration Review

### **100+ immigrants waited in line in 10 cities for court dates that didn't exist**

[CNN](#) [10/31/2018 11:28 PM, Catherine E. Shoichet] reports lines snaked around the block outside immigration courts across the United States on Wednesday. Many people standing in them later learned they had no reason to be there. More than 100 immigrants showed up to court carrying paperwork ordering them to appear before a judge, only to find out that their court dates hadn't actually been scheduled, according to the American Immigration Lawyers Association. As a result, uncharacteristically long lines were reported outside at least 10 immigration courts, the association said. Lawyers told CNN it's part of a troubling trend that shows how dysfunctional the system has become and how chaotic the Trump administration's approach to immigration enforcement can be. Attorneys say the practice began after the U.S. Supreme Court ruled in June that notices to appear – the charging documents that immigration authorities issue to send someone to immigration court who's accused of being in the United States illegally – must specify the time and place of proceedings in order to be valid.

Immigration lawyers across the country have reported that officials are increasingly issuing such notices with so-called "fake dates," ordering immigrants to appear at hearings that, it later turns out, were never scheduled in immigration courts. In recent months, lawyers have reported examples of notices issued for nonexistent dates, such as September 31, and for times of day when courts aren't open, such as midnight. US Citizenship and Immigration Services spokesman Daniel Hetlage said in a statement that initial dates on notices issued by his agency and Immigration and Customs Enforcement are "based on guidance on upcoming docket dates from local EOIR, an agency within the U.S. Department of Justice responsible for administering the immigration courts." EOIR, Hetlage said, "is responsible for setting and re-setting appearances dates upon receipt of Notices to Appear filed by US Immigration and Customs Enforcements and other components of the U.S. Department of Homeland Security."

### **[MA] Why The Immigration Court Backlog In Mass. Is Growing Faster Than In Almost Any Other State**

[WBUR](#) [11/1/2018 8:00 PM, Shannon Dooling, MA] reports it's 8:30 a.m. on a recent morning in Boston's immigration court. A federal prosecutor for the Department of Homeland Security pushes a cart loaded with case files into a courtroom. She wedges the cart between a wall and a desk and heaves a pile of paperwork onto the tabletop. Another day full of master calendar hearings is about to get underway. For an immigrant who's fighting deportation or applying for asylum, a master calendar hearing is their initial court appearance. It kick-starts the rest of their proceedings, and they usually walk out with a date

for their next court appearance. In Boston, those dates are being set further and further out thanks to the nearly 27,000 cases already pending — an increase of 76 percent since President Trump took office. It's the second-largest spike in the country. In September, U.S. Attorney General Jeff Sessions set a goal of increasing the number of immigration judges in the country by 50 percent. But simply adding more judges might not be enough to put a dent in the backlog anytime soon. Dana Leigh Marks is an immigration judge in San Francisco and the former head of the National Association of Immigration Judges. "While there is now an almost frantic effort to increase the numbers of immigration judges, it takes a very long time to unwind a backlog," Marks says.

And there's another issue to consider, she says, as more first-time immigration judges come on board. "In all fairness to someone new coming in, they're entitled to have a learning curve and to take time to do it right, and with repetition they will do it right and faster," Marks says. "But I would assume that has an impact — again, just one piece of a multi-faceted puzzle." This is especially relevant in Boston, where four of the eight immigration judges were appointed within the last two and a half years. Three of those four new judges in Boston also previously worked in the city as attorneys for Immigration and Customs Enforcement (ICE). Susan Church, an immigration attorney in Cambridge, says that in particular matters when looking at the Boston immigration court's backlog. Former government prosecutors turned immigration judges must recuse themselves from any cases they touched as prosecutors. "Where three of the last four hires have been former prosecutors, these judges have to decline jurisdiction over any case that they have handled or worked on while they were prosecutors in that office," says Church. "So it really doesn't help the backlog because then that case has to go to a different judge and start the process all over again." The rules around recusal are the same for former private immigration attorneys who become judges. Those cases then end up on another judge's docket, and the immigrant's court case starts all over again. It's difficult to know how often judges recuse themselves on these grounds. The Executive Office for Immigration Review, the oversight agency for the country's immigration courts, doesn't track recusals.

#### **[FL] Confusion over court dates lead to long lines, anger outside Orlando Immigration Court**

[Fox 35 Orlando](#) [10/31/2018 8:27 PM, Staff, 18K, FL] reports more than a hundred people stood in line outside Orlando's Immigration Court for hours Wednesday morning. Many of them told The News Station immigration officers issued them is called, a Notice to Appear specifying they should show up at this date and time. However, when they made it to the front they were told there was some kind of mistake and they would have to come back some other time. [Editorial note: consult source link for video]

#### **[IL] Immigration attorneys blame a glitch for long lines in Chicago court**

[Chicago Tribune](#) [10/31/2018 6:45 PM, Elvia Malagon, 1740K, IL] reports that people in deportation proceedings and immigration attorneys Wednesday were faced with long lines that snaked through immigration court in Chicago, the apparent result of a glitch in the way hearing dates are now set. The U.S. Supreme Court ruled in June that a notice to appear in immigration court must include a time and date. Notices often said the hearing date was yet to be set. So while Immigration and Customs Enforcement now issues notices, the dates are not correlated to actual hearings because the court has not had a chance to schedule them, immigration attorneys said. The result is that people are showing up for immigration

hearings that aren't on the court's docket, according to Chicago-based attorneys. The confusion comes on top of an already clogged court docket.

### **[TX] Undocumented families face anxiety while waiting longer for court dates**

[Hays Free Press](#) [10/31/2018 12:28 PM, Exsar Arguello, 3K, TX] reports that wait times for undocumented residents to be heard before immigration court judges are continuing to get longer, leaving those detained or out on bond unsure what the future holds. In Hays County, one family is waiting to receive a call or letter for their hearing, a repetitive game of patience that has been practiced since February. A new study by the Transaction Records Access Clearinghouse, a data gathering and research organization at Syracuse University, found that the Immigration Court's backlog of cases reached an all-time high of 717,067 in May. This despite measures by the U.S. Department of Justice to alleviate the influx of cases. On Friday [9/28/18], the Executive Office for Immigration Review announced the investiture of 46 immigration court judges, including two assistant chief judges, marking for the second month in a row the largest class in the agency's history, according to a statement by the DOJ. United States Attorney General Jeff Sessions acknowledged the backlog of over 700,000, calling the situation "unacceptable."

## **Policy and Legislative News**

### **Trump wants to change the rules of citizenship. Here are three reasons his proposal might be unconstitutional.**

[Washington Post](#) [10/31/2018 4:37 PM, Robinson Woodward-Burns, 11653K, DC] reports President Trump said this week that he intends to issue an executive order that would end birthright citizenship for children born in the United States to undocumented immigrants. Such a move would upset a century of Supreme Court precedent and significantly restructure U.S. immigration and constitutional law. That's because Section 1 of the 14th Amendment declares, "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." The Supreme Court and mainstream legal scholars on the left and right have long held that the phrase "under the jurisdiction thereof" extends citizenship to anyone born under U.S. territorial jurisdiction, including the children of immigrants. But some on the far right have recently claimed that undocumented immigrants are under the jurisdiction of foreign countries, rather than the United States, precluding their children from birthright U.S. citizenship. Trump asserted this while campaigning in August 2015 and reiterated the idea this week. But can a president change the rules of citizenship by fiat? Not so fast. Here are three reasons Trump's proposal might be unconstitutional: [Editorial note: consult source link for further details].

Additional reporting:

[AM New York](#) [10/31/2018 7:00 PM, Lauren Cook, 71K, NY]

### **Trump vows to end 'crazy' birthright citizenship in closing midterms appeal**

[Washington Post](#) [10/31/2018 10:01 PM, Philip Rucker, 11653K] reports President Trump introduced the polarizing issue of birthright citizenship as a central plank of his closing argument to voters here Wednesday night as he began his final campaign sprint to Election Day. Trump said illegal immigration was the driving issue of the midterm elections and vowed that with enlarged Republican congressional majorities he would achieve his



immigration priorities, including eliminating the constitutional right to citizenship for those born in the United States to undocumented immigrant parents. The president spoke at length about birthright citizenship, which he called "this crazy policy" that he said allowed "Hundreds of thousands of illegal immigrant children" born on U.S. soil to automatically become U.S. citizens and therefore eligible for every privilege and benefit of citizenship. "Birthright citizenship – you know all about it – we will keep the criminals, the drug dealers, we will keep them all out of our country," Trump said. "We will get rid of all of this. We will end, finally, birthright citizenship. It's costing us so many billions of dollars."

Additional reporting: [Huffington Post](#) [10/31/2018 9:19 PM, Lydia O'Connor, 9094K]

### **Trump's birthright citizenship proposal isn't just an electoral stunt**

[Washington Post](#) [10/31/2018 10:24 AM, Paul Musgrave and Philip Rocco, 11653K] reports that President Trump thinks that he can end birthright citizenship in the United States by executive order: "It was always told to me that you needed a constitutional amendment. Guess what? You don't," he said in an interview with Axios. Given the legal challenges Trump is likely to face – ending birthright citizenship would violate the 14th Amendment to the Constitution – many of the president's critics suspect that the order is little more than a pre-election adrenaline shot for Trump's base. If the order is so patently unconstitutional, the argument goes, what else could it be? Yet, there are good reasons to believe that the proposed order is more than electoral theater. The very extremity of the still-hypothetical order might serve to shift the terms of political engagement. Even if Trump fails in this attempt, simply trying could make it that much easier for the administration to impose future immigration restrictions.

### **President Trump may have met his match when it comes to U.S. citizenship: The 14th Amendment**

[USA Today](#) [10/31/2018 11:41 AM, Richard Wolf and William Cummings] reports that President Donald Trump may have met his match Tuesday: the 14th Amendment to the U.S. Constitution. "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside," the 1868 amendment begins. "It's ridiculous," Trump said 150 years later, on the eve of midterm elections that could erode his power, perhaps for the rest of his presidency. "And it has to end." So began the 45th president's latest legal, policy and political battle, neatly contained in a history lesson dating to Reconstruction. As the administration vowed to block a migrant caravan heading toward the southern border and delay a trial next week on its plan to ask about citizenship on the 2020 Census, Trump turned his focus on generations of American-born citizens.

Reported similarly:

[The Hill](#) [10/31/2018 11:00 AM, Sandeep Gopalan, 2630K]

[TIME](#) [10/31/2018 1:16 PM, Akhil Reed Amar and Steven G. Calabresi]

[The Daily Caller](#) [10/31/2018 2:11 PM, Amber Athey, 909K, DC]

### **Kobach: 'Misimpression' that 14th Amendment guarantees birthright citizenship**

[The Hill](#) [10/31/2018 12:07 PM, Megan Keller, 2630K] reports Kansas Secretary of State and gubernatorial candidate Kris Kobach on Wednesday said the 14th Amendment does not guarantee birthright citizenship to children born to undocumented immigrants, a position that is at odds with legal experts. "There are many people who are under the misimpression

that the 14th Amendment commands it. It doesn't," Kobach said on Fox News when asked about President Trump's plan to end birthright citizenship via executive order. "The 14th Amendment doesn't say all persons born in the United States ... are citizens of the United States," said Kobach, who helped draft Trump's immigration policy. "It says all persons born in the United States, and subject to the jurisdiction thereof, are citizens." "And what that meant according to the framers of the 14th Amendment in 1866 is that if you're here temporarily, if you're a foreign diplomat, if you're a foreign visitor ... that child doesn't become a citizen," he said, adding that it means children of "illegal aliens and temporary visitors" do not have a guarantee of birthright citizenship under the 14th Amendment. "So either Congress could change it, or, the way our statute's currently drafted, the president could do it through a regulation," Kobach said.

### **In a Fit of Pique, Trump Attacks Ryan Just Days Before Midterm Elections**

[New York Times](#) [10/31/2018 5:57 PM, Eileen Sullivan, 22322K] reports President Trump lashed out at the top Republican in the House on Twitter just six days before the midterm elections, elevating a fight within his own party over the president's desire to end birthright citizenship. "Paul Ryan should be focusing on holding the Majority rather than giving his opinions on Birthright Citizenship, something he knows nothing about! Our new Republican Majority will work on this, Closing the Immigration Loopholes and Securing our Border!" Paul D. Ryan, the retiring House Speaker, said on Tuesday that the president "obviously" cannot do away with birthright citizenship with an executive order, as the president said on Tuesday and again on Wednesday that he would do. The guarantee of citizenship for those born in the United States is the long-accepted interpretation of the 14th Amendment to the Constitution. With the election less than a week away, Mr. Trump not only introduced this new element to his immigration portfolio, he also moved to ignite a fight within his own party over an issue that does not have wide Republican support and that would immediately face legal challenges.

Reported similarly:

[Politico](#) [10/31/2018 1:16 PM, Matthew Choi]

[Huffington Post](#) [10/31/2018 1:44 PM, Hayley Miller]

[Bloomberg](#) [10/31/2018 1:31 PM, Alex Wayne]

[CNN](#) [10/31/2018 4:47 PM, Clare Foran and Sarah Westwood, 25865K]

[FOX News](#) [10/31/2018 1:34 PM, Adam Shaw, 10787K]

[Washington Times](#) [10/31/2018 1:51 PM, Gabriella Munoz and Stephen Dinan, 547K, DC]

### **Sen. Lindsey Graham Says He'll Introduce Legislation To End Birthright Citizenship**

[Daily Wire](#) [10/31/2018 2:17 PM, Emily Zanotti, CA] reports Sen. Lindsey Graham (R-SC) says he'll follow President Donald Trump's lead calling for an end to "birthright" citizenship, and introduce legislation in the house to clarify both the Fourteenth Amendment and federal regulations which define the concept. The Hill reports that Graham plans to introduce the bill in the Senate as soon as Congress returns from its October recess. "Finally, a president willing to take on this absurd policy of birthright citizenship. I've always supported comprehensive immigration reform - and at the same time - the elimination of birthright citizenship," Graham explained on Twitter. "I've always supported comprehensive immigration reform - and at the same time - the elimination of birthright citizenship," Graham added. "The United States is one of two developed countries in the world who grant citizenship based on location of birth," he continued. "This policy is a magnet for illegal immigration, out of the mainstream of the developed world, and needs to come to an end."

**Harry Reid once said 'no sane country' would allow birthright citizenship. He regrets it again.**

[Washington Post](#) [10/31/2018 6:03 PM, Michael Brice-Saddler, 11653K] reports that Harry M. Reid appeared impassioned – even upset, at times – when he took the Senate floor in 1993 and declared "no sane country" would grant birthright citizenship to children born on its soil to parents who lack legal status. The then-Nevada senator had recently introduced the Immigration Stabilization Act of 1993, which challenged the clause in the Fourteenth Amendment that grants automatic citizenship to any child born within U.S. borders. Now, more than 25 years later, President Trump is using Reid's speech to support his own push to end birthright citizenship in the United States, echoing a similar strategy used during the nomination process for Supreme Court Justice Brett M. Kavanaugh. During a House floor speech in 2006, Reid apologized for introducing the measure, calling it a mistake and the "low point" of his legislative career. On Wednesday, Reid, who served as the Senate majority leader from 2007 to 2015, reiterated in a statement that his 1993 comments were a "mistake."

[The Hill](#) [10/31/2018 1:41 PM, Jordain Carney, 2630K] reports Former Senate Majority Leader Harry Reid (D-Nev.) said on Wednesday that President Trump's effort to nix birthright citizenship is "profoundly wrong" after the president singled out a 1993 speech from the former Democratic leader. "This president wants to destroy not build, to stoke hatred instead of unify. He can tweet whatever he wants while he sits around watching TV, but he is profoundly wrong," Reid said in a statement. Reid's statement comes after Trump named him in a Wednesday tweet in which the president argued that children born in the U.S. to undocumented immigrants are not protected by the Constitution's 14th Amendment. "Harry Reid was right in 1993, before he and the Democrats went insane and started with the Open Borders (which brings massive Crime) 'stuff.' Don't forget the nasty term Anchor Babies. I will keep our Country safe. This case will be settled by the United States Supreme Court!" Trump said in his tweet.

The [Washington Examiner](#) [10/31/2018 3:11 PM, Dominick Mastrangelo, 567K, DC] reports former Democratic Sen. Harry Reid said Wednesday a comment he made decades ago about birthright citizenship was a "mistake." Following the re-emergence of a video clip from 1993 in which he lamented how U.S. immigration policy "rewards" people who enter the country illegally by giving citizenship to their children, the one-time Senate majority leader explained his change of heart. "After I proposed that awful bill, my wife immediately sat me down and said 'Harry, what are you doing? Don't you know that my father was an immigrant,'" Reid said in a statement. "In my 36 years in Washington, there is no more valuable lesson I learned than the strength and power of immigrants and no issue I worked harder on than fixing our immigration system." The statement came after President Trump and his allies shared the video clip of Reid, quipping that they agree with his stance. "Harry Reid was right in 1993, before he and the Democrats went insane and started with the Open Borders," Trump tweeted Wednesday.

**Trump says he may send 15,000 troops to U.S.-Mexico border**

[Washington Post](#) [10/31/2018 6:15 PM, Paul Sonne and Missy Ryan] reports President Trump said Wednesday that he would deploy as many as 15,000 military personnel to the border with Mexico in response to caravans of Central American migrants making their way northward, doubling the figure Pentagon officials have announced would be operating there. "We'll go up to anywhere between 10 and 15,000 military personnel on top of Border Control, ICE and everybody else at the border," Trump said in remarks to reporters before



departing Washington for a campaign rally in Florida. "Nobody's coming in. We're not allowing people to come in." Trump's comments came a day after the general in charge of the border deployment said 5,239 active-duty troops would be heading to the border with more potentially to follow, in addition to the 2,092 members of the National Guard already there. It wasn't clear whether Trump's 15,000 figure included the National Guard deployment. If the deployment reaches 15,000 troops, it would be roughly equivalent to the size of the U.S. military's presence in Afghanistan and three times the size of the presence in Iraq. Already, the deployment is believed to be the largest of its kind in more than a century. Defense Secretary Jim Mattis, speaking to reporters at the Pentagon, rejected the criticism on Tuesday, saying the military was deploying to support the Department of Homeland Security and Customs and Border Protection. "The support that we provide to the Secretary for Homeland Security is practical support based on the request from the commissioner of customs and border police, so we don't do stunts in this department," Mattis said.

Reported similarly:

[Washington Post](#) [10/31/2018 5:28 PM, Associated Press]

[Los Angeles Times](#) [10/31/2018 3:50 PM, Molly Hennessy-Fiske, 3575K]

[The Hill](#) [10/31/2018 4:20 PM, Jordan Fabian, 2630K]

[FOX News](#) [10/31/2018 11:33 AM, Adam Shaw, 10787K]

[Military.com](#) [10/31/2018 8:00 AM, Richard Sisk, 330K]

[ABC News](#) [10/31/2018 6:23 PM, Elizabeth McLaughlin and Luis Martinez, 2704K]

[CNBC](#) [10/31/2018 6:11 PM, Amanda Macias, 5905K]

[MSN News](#) [10/31/2018 5:35 PM, Jeff Mason and Idrees Ali, 55864K]

[NBC News](#) [10/31/2018 11:17 AM, Jonathan Allen, 3539K]

[Yahoo News](#) [10/30/2018 3:51 PM, C. Dickson and Dylan Stableford]

[New York Post](#) [10/31/2018 10:49 AM, Mark Moore, 3705K, NY]

[Washington Examiner](#) [10/31/2018 1:49 PM, Travis J. Tritten, 567K, DC]

[Washington Examiner](#) [10/31/2018 4:41 PM, Melissa Quinn, 567K, DC]

### **New Migrant Caravans Trek North, Ignoring Political Repercussions**

[New York Times](#) [10/31/2018 11:21 PM, Kirk Semple and Elisabeth Malkin, 22322K] reports that it was only last week that a caravan with thousands of Central American migrants hunkered down for the night here in Tapachula, in southern Mexico. The fact that the first of these caravans was able to move from Honduras into Guatemala and then into Mexico is inspiring other migrants to travel in large groups, reversing the long-established logic of Central American migration to the United States: Rather than trying to travel undetected, some migrants are trading invisibility for safety in numbers. Largely unbeknownst to the migrants, this conspicuous new approach has been fueling heated anti-immigration sentiment in the United States and putting potential new obstacles in their path.

Mr. Trump has described the first caravan, which left Honduras on Oct. 12, as an invading horde. He is sending troops to the border with Mexico and considered taking executive action to close that border to migrants, including those seeking asylum. Migrants traveling in these caravans are aware that Mr. Trump is opposed to their entry to the United States, and have heard about the military deployment to the border.

[Breitbart](#) [10/31/2018 3:59 PM, Ildefonso Ortiz and Brandon Darby, 2405K] reports as Mexican authorities continue to deal with two separate migrant caravans on both sides of their southern border, a third began its journey from El Salvador on Wednesday. While the

first two migrant caravans began in Honduras, the third started north from the capital of El Salvador, Reuters reported. The group is believed to be made up of about 2,000 individuals including men, women, and children. The third caravan comes at a time of escalating tensions where the two previous groups clashed with Mexican police forces at the border with Guatemala. The clashes led to Mexico's warning about the deployment and further potential use of Molotov cocktails against federal police forces guarding the Mexican border, Breitbart News reported. This week, authorities arrested two Honduran men after they allegedly shot at Mexican federal police officers guarding the caravan. Mexico City unveiled a program to provide temporary employment, education, and healthcare to those who would agree to stay in southern region and follow proper procedure to seek asylum. Immigration officials reported that only 111 of the migrants accepted the offer while leaders of the first and northernmost caravan publicly declined.

### **Despite stricter U.S. immigration rules, more asylum-seekers flow across border**

[USA Today](#) [10/31/2018 9:40 PM, Rick Jervis, 7165K] reports that a rising number of asylum-seekers from Central America are crossing the Texas border with Mexico, overflowing refugee centers and filling up federal processing facilities. The number of family units – usually mothers or fathers with small children – apprehended in the U.S. Customs and Border Protection's Rio Grande Valley sector jumped from 49,896 in fiscal year 2017 to 63,278 in fiscal year 2018, which ended Sept. 30. The wave of migrants – coming primarily from El Salvador, Guatemala and Honduras – arrive in large groups, sometimes 70 or 100 at a time, and are jamming federal facilities where they're held while their asylum requests are processed.

### **For Trump, a 'national emergency' is anything he says it is — including the migrant caravan**

[Washington Post](#) [10/31/2018 6:34 PM, David Nakamura, 11653K] reports that President Trump declared a national emergency last week – in a tweet. Aiming his ire at a caravan of migrant families hundreds of miles from the United States, Trump vowed he was "bringing out the military for a National Emergency." His administration then authorized sending more than 5,000 active-duty troops to the border. Trump has filed no legal proclamation declaring a national crisis as required under a 1976 law enacted to rein in abuses of executive power by granting presidents additional authorities only in specific instances and for a limited time frame. For Trump, the caravan is an emergency merely because he said so. Critics said the president's approach represents another measure of his willingness to act outside the bounds of his predecessors – in this case using an official term to portray migrants as dangerous and to stoke public fears ahead of next week's midterm elections.

The [Huffington Post](#) [10/31/2018 2:55 PM, Roque Planas] reports that by the numbers, there is nothing resembling a "national emergency" on the border, as Trump has called it. Border Patrol arrested fewer than 400,000 migrants last year. For comparison, that figure for the year 2000 was 1.6 million — back when Border Patrol had about half the number of agents it now employs. Arrest rates for the last eight years have hovered at similarly low levels not seen since the early 1970s. The reason arrests are so low is that mass Mexican migration to the U.S. ended a decade ago and shows no sign of resuming. Despite Trump's fury, he took office under conditions more favorable to immigration hard-liners than any president since Richard Nixon. Mexican mass migration ended as the fertility rate dropped.

Neither Border Patrol nor Immigration and Customs Enforcement can take as much credit

for that as they might like. The U.S. financial crisis that began at the end of 2007 triggered the drop in unauthorized Mexican migration by reducing labor demand. But perhaps more importantly, the crisis hit as the Mexican baby-boom era was petering out. In 1970, the fertility rate in Mexico stood at nearly seven children per woman. Today, it's around 2.2, according to the World Bank.

### **Trump highlights days-old violent clash between caravan and Mexican authorities**

[Washington Post](#) [10/31/2018 9:43 AM, John Wagner, 11653K] reports that President Trump on Wednesday sought to stoke more concern about migrant caravans slowly making their way toward the United States, highlighting a violent clash with Mexican federal police that took place earlier this week at the Guatemala-Mexico border. "The Caravans are made up of some very tough fighters and people," Trump wrote on Twitter. "Fought back hard and viciously against Mexico at Northern Border before breaking through. Mexican soldiers hurt, were unable, or unwilling to stop Caravan. Should stop them before they reach our Border, but won't!". The episode cited by Trump took place Sunday as a caravan of roughly 3,000 Central American immigrants crossed onto Mexican soil, with some throwing rocks and bottles. One migrant was killed, and dozens were injured. In the run-up to next week's midterm elections, Trump has repeatedly sought to focus attention on migrant caravans, using them as a symbol of problems with the U.S. immigration system and blaming Democrats for a failure to pass legislation in the Republican-led Congress.

### **Caravan is a concerted effort by Honduran leftists to bypass U.S. immigration laws**

[Bozeman Daily Chronicle](#) [10/31/2018 8:00 PM, Merrill Matthews, 18K, MT] reports President Donald Trump is sending federal troops to the U.S.-Mexico border and taking other steps to stop the Honduran migrant caravan headed for the United States. It's unfortunate that it's come to this, but it's the right thing to do. Millions of foreigners dream of coming to the U.S. because of the three pillars of our society: freedom, economic opportunity and the rule of law. According to The Wall Street Journal, "Honduran congressman Bartolo Fuentes of the left-wing Libre Party" claims credit for organizing it, and numerous immigrant organizations financially support such efforts. One reason is foreigners see our immigration system is overwhelmed and seek to take advantage of it. Syracuse University's TRAC system cites 765,000 pending immigration court cases nationwide, up from 629,000 last year and 200,000 a decade ago. The average wait for a court appearance is 717 days. That backlog allows immigrants to start their new life here, and many will choose to fade into the background rather than face an immigration judge. According to the Justice Department, 39 percent of immigrants who applied for asylum in 2016 failed to show up for their court hearing; it was 43 percent in 2015.

### **Trump Says Mexican Troops 'Unable or Unwilling' to Stop Migrants**

[Bloomberg](#) [10/31/2018 9:17 AM, Terrence Dopp] reports that President Donald Trump maintained his focus on immigration Wednesday, saying Central American migrants in at least two caravans moving north toward the U.S. border include "tough fighters" and criticizing the Mexican military for being "unable or unwilling" to deter them. "The Caravans are made up of some very tough fighters and people," Trump said on Twitter. "Fought back hard and viciously against Mexico at Northern Border before breaking through. Mexican soldiers hurt, were unable, or unwilling to stop Caravan. Should stop them before they reach our Border, but won't!" It was unclear exactly what Trump was referring to in the tweet. U.S. Secretary of State Michael Pompeo said Oct. 19 that four Mexican police officers were injured in a standoff at the Mexican border, in which an undetermined number

of migrants were also injured, according to CNN. In a separate incident on Sunday, migrants tore down a chain-link fence erected by Guatemalan authorities to block access to a bridge over the river at its border with Mexico, according to the Los Angeles Times. Another clash left one migrant dead and dozens wounded in a confrontation between the immigrants and authorities, the paper said. Trump's administration plans to send about 5,200 U.S. troops to the southern border by the end of the week. Customs and Border Patrol Commissioner Kevin McAleenan estimated the caravan at around 3,500 people, as well as another group between Guatemala and Mexico of about 3,000 people. In a second tweet Wednesday, Trump implied that even more U.S. troops may be ordered to the border.

### **Mexico Deports 2 Caravan Migrants Wanted for Murder, Drug Trafficking**

[Breitbart](#) [10/31/2018 11:07 AM, Ildefonso Ortiz and Brandon Darby, 2405K] reports Mexican authorities deported two fugitive Honduran caravan migrants wanted for their respective alleged roles in a triple murder and drug trafficking. The arrest took place as part of a joint effort between Mexico's Federal Police and the National Migration Institute in conjunction with Interpol, Mexico's Secretariat of the Interior said. The two men were part of the migrant caravan from Honduras and requested permission to travel through Mexico.

Immigration authorities detained the two men at separate immigration checkpoints in Chiapas and took them to another station to be flown back to Honduras. Mexican authorities identified one of the men as 47-year-old Juan Carlos "N," wanted for his alleged role in the murder of three individuals. The other caravan migrant was identified as 27-year-old Adin Josue "N," wanted on drug trafficking charges. According to the Mexican federal government, the two men were part of the migrant caravan making its way north. As Breitbart News reported, Mexican officials offered the group temporary employment, health care, and education if they followed local immigration laws and made a formal request for asylum.

### **Homan: Migrant Caravan Is 'More Sophisticated' Than Past Groups, Trump Right to Send Troops**

[FOX News](#) [10/31/2018 2:03 PM, Staff] reports that former ICE Director Tom Homan said Wednesday on *Outnumbered Overtime* that President Trump is right to deploy troops to the U.S. border as reinforcements. More than 5,000 troops will be sent to the southern border to perform logistical and support functions as the migrant caravan continues to make its way north. Homan said that the current caravan is "more sophisticated" than those in the past and appear to be "organized at a high level." "They're learning from the loopholes that Congress fails to fix," he said, predicting that the groups will arrive in weeks, not months. Homan added that the military will be important in stopping potential drug smugglers within the caravan. "This is national security. This is more than illegal immigration," he said. President Trump has repeatedly called for the caravan to retreat, tweeting on Wednesday that there are "many more troops coming." Homan said that with more troops at the border, a larger number of Border Patrol agents can carry out their law enforcement duties. He said when a large number of individuals show up at the border, it ties up Border Patrol resources, allowing drug smuggler to operate in other areas. He explained that's why the military assistance will be critical. [Editorial note: consult source link for video]

### **Migrant Caravan Troop Deployment Could Cost U.S. \$50 Million Despite No Evidence of Terrorists, Major Criminal Gang Presence**

[Newsweek](#) [10/31/2018 10:39 AM, James LaPorta and Chantal Da Silva, 1720K] reports that the Trump administration is preparing for the most dangerous, and unlikely, scenario as it sends thousands of troops to the border to intercept a caravan of Central American migrants making its way through Mexico at the cost of tens of millions of dollars. Documents obtained by Newsweek from two Defense Department officials show that intelligence officials do not anticipate any terrorist infiltration and only limited involvement of criminal gangs as the caravan follows its projected route. On Monday, the Pentagon announced that it was sending an additional 5,200 troops to the United States's southern border amid increasingly heated rhetoric from President Donald Trump, including claims of the presence of "unknown Middle Easterners," terrorists and MS-13 gang members. Those claims are not currently supported by intelligence on the ground.

Reported similarly: [MSNBC](#) [10/31/2018 10:02 AM, Steve Benen, 1177K]

### **What Happens If The Caravan Makes It To The Border?**

[The Daily Caller](#) [10/31/2018 10:06 PM, Saagar Enjeti, 909K, DC] reports President Donald Trump, spurred to the presidency by national skepticism of unchecked immigration, now faces an advancing U.S.-bound caravan of would-be illegal immigrants marching through Mexico, one he's determined to stop. The caravan of nearly 6,000 seeks U.S. resident status largely under the auspices of economic asylum. The legal challenge consists of migrants illegally crossing the U.S.-Mexico border and then claiming a "credible fear" of return to their home country. Administration officials speaking on the condition of anonymity conceded to TheDC they have few good options once the caravan arrives. The options floating around internally revolve around the use of executive action with an attempt to bar asylum claims and fortifying legal ports of entry for orderly administrative processing. One of the major considerations includes a presidential proclamation specifically barring the caravan from entering the country, officials said. The administration signaled its intent to deploy 5,200 additional troops to assist with border enforcement. These troops will bring dozens of miles of additional temporary fencing, provide helicopter surveillance assistance and other logistical support to border patrol.

The Trump administration maintains that as many temporary changes, troop deployments, and executive actions it takes, their hands are largely tied by U.S. asylum laws on the books and laws disallowing detention of families for long stretches of time. Experts also note that asylum seekers who enter the U.S. illegally are subject to the least amount of scrutiny of nearly any foreign national who enters the country. The asylum processing agencies of the Executive Office for Immigration Review and U.S. Citizenship and Immigration Services are rife with fraud and abuse, a 2015 General Accountability Office report found. The GAO concluded that the USCIS "does not capture other key information that could be used to detect fraud," and that "Immigration judges are largely reliant on ICE attorneys and their own review of the record to flush out fraud." The utterance of "credible fear" and other "magic words" by migrants triggers protocols of U.S. asylum law that require adjudication before a court.

### **Sanders: Dems, Media 'Overplaying Their Hand' With Criticism of Trump on Immigration**

[FOX News](#) [10/31/2018 9:54 AM, Staff] reports that White House Press Secretary Sarah Sanders said Wednesday she believes Democrats and the media are "overplaying their hand" with criticism and negative coverage of President Trump's immigration policies. In



addition to promising that a Central American migrant caravan will not be allowed to enter the United States, Trump said this week he wants to issue an executive order to restrict birthright citizenship. Sanders argued that a majority of the American people are on the president's side on the issues, favoring stronger immigration laws and border security. "The media and Democrats, which sometimes can be one and the same, would overplay their hand in the way that they're doing on this issue or anything that the president brings up," she said on "Fox & Friends." She emphasized that Democrats are the "party of 'no' and obstruction" and the current immigration situation is due to the failure of Democrats in Congress. [Editorial note: consult source link for video]

### **Trump's enforcement tactics will not deter new flow of migrants, says policy analyst**

[The Hill](#) [10/31/2018 12:50 PM, Tess Bonn, 2630K] reports policy analyst Sarah Pierce on Wednesday predicted that President Trump's immigration enforcement tactics will not be enough to deter the migrant families heading towards to the U.S. Southern border. Pierce, a policy analyst for the U.S. Immigration Policy Program, says while using enforcement tactics like deportation and military force to curb the flow of illegal immigration worked during the 1990s and 2000s under previous administrations, they're no longer as effective when it comes to addressing migrant families and more vulnerable populations who are escaping violence from their own countries. "We had millions of people arriving at our Southern border that were largely single economic migrants that were coming to the United States to work and looking at the numbers, using that sort of strategy against them – prosecutions, all of these enforcement tactics – it actually does have some effect," Pierce told "Rising" Hill.TV co-hosts Krystal Ball and Buck Sexton.

### **Caravan Problem Exists Because of our Inane Asylum Standards**

[Townhall](#) [11/1/2018 12:01 AM, Brian Lonergan] reports the curious timing of the growing caravan of migrants approaching our southern border so close to the midterm elections has ensured that the problem is being highly politicized. Serious examination of the problem has been drowned out by silly-season opportunists looking to exploit the situation for electoral advantage. A sober, nonpartisan analysis, however, will come to an obvious conclusion: the recurring caravan phenomena, as well as many of our other immigration-related problems, stem from our outdated, contradictory and loophole-riddled standards for asylum. Architects of the relentless push for a borderless America have exploited our laws as well as the generous nature of most American citizens. Our standards for asylum were designed to give protection to those legitimately fleeing persecution. A basic requirement of our asylum law is that those seeking asylum must prove that they have "suffered persecution or fear that they will suffer persecution due to race, religion, nationality, membership in a particular social group, or political opinion." Think political dissidents in North Korea or those targeted for ethnic cleansing by a ruthless dictatorship. Thanks to the vigilant work of our federal immigration enforcement agencies, simply entering the country illegally is proving increasingly difficult. So what did the anti-borders movement do? Expand the concept of "asylum" into a catch-all back door into the United States.

### **'Non-Meritorious' Asylum Seekers From Central America Crowd Out Legitimate Applicants**

[The Daily Caller](#) [10/31/2018 8:16 AM, Will Racke, 909K, DC] reports that thousands of economic migrants are part of the caravan of Central Americans currently marching toward the southwest border, and immigration experts are concerned their dubious asylum claims could make it harder for legally valid applicants to get their own cases approved. In

interviews with reporters traveling with the caravan, many migrants plainly admit they are traveling to the U.S. in search of work or to live with relatives already here. Their explanations confirm research showing a majority of immigrants from Guatemala and Honduras go to the U.S. primarily for economic reasons, not because they are fleeing violence. The caravan is only the most recent public display of a larger phenomenon that has seen hundreds of thousands of individuals and families from Central America attempt a perilous overland journey through Mexico in order to petition for asylum in the U.S. Nearly all of them are seeking an escape from extreme poverty and violence in their home countries.

### **Trapped In Tijuana: U.S. Asks Asylum-Seekers To Wait Amid Record Homicides**

[KPBS](#) [10/31/2018 7:53 AM, Jean Guerrero, 26K, CA] reports that as President Trump threatens to close the border in response to a mass exodus of Hondurans, hundreds of asylum-seekers already find themselves trapped in Tijuana, where police abuses against migrants are rampant and homicides are at an all-time high. For more than a year, U.S. Customs and Border Protection has been asking asylum-seekers who approach the San Ysidro Port of Entry, the country's busiest land border crossing, to wait for an indefinite period before entering. The agency says it does not have the capacity to process people as they come anymore, but it's unclear why: while asylum claims have increased substantially, the port recently underwent a multi-million dollar expansion and ramped-up staffing. KPBS asked CBP for more information about its capacity to process asylum seekers, but the agency declined to comment. These days, asylum-seekers who want to enter the U.S. legally must wait weeks, sometimes months in Tijuana before they can speak to U.S. immigration officials.

### **In the migrant caravan, a teen traveling without his parents faces an agonizing choice**

[Washington Post](#) [10/31/2018 7:00 AM, Michael E. Miller, 11653K] reports that the boys had left their neighborhood in Honduras within hours of one another in search of the migrant caravan they had seen on the news. One told his mother he was going to soccer practice. The other sneaked out in the middle of the night. Somehow, they said, they had found each other in the crowd and followed it here to this small town in southern Mexico. But after more than 600 miles, the two friends were at a crossroads. Despite a throat infection that had turned into a fever, then a cough that rattled his small chest, Isaac Reyes Enamorado was undeterred. "I've never thought of turning back," the 12-year-old said as he rested Sunday in the shade of Tapanatepec's central plaza. Two blocks away, Javier Flores Maldonado lay on a dirty yoga mat, thinking just that. A few days earlier, the 16-year-old got word that his mother had fallen ill after learning that he wasn't playing soccer but was walking to the United States. Now his family wanted him to come home.

The caravan has drawn the ire of President Trump, who has alleged without evidence that it includes terrorists and gang members and constitutes a potential "invasion." But there is one prominent feature of the caravan the president has not mentioned: the children. There were roughly 2,300 minors in the 9,300-member caravan when it entered Mexico on Oct. 19, according to UNICEF, although it appears to have shrunk to between 4,000 and 7,000. These children are the most vulnerable of asylum seekers: some as young as a few months, many swaddled in blankets or asleep in strollers whose wheels were coming off after two weeks on the road. Others are traveling alone or with siblings. The danger is heightened for the children traveling without their parents, who – if they continue to the U.S.-Mexico border – will be part of a wave of more than 250,000 unaccompanied minors

who have crossed into the United States in the past five years, mostly fleeing gang violence and poverty in Central America.

**Border surge highest since 2011, each illegal immigrant costs \$70,000, 7X deportation price**

[Washington Examiner](#) [10/31/2018 9:48 AM, Paul Bedard, 567K, DC] reports that the net costs to taxpayers for every illegal immigrant who sneaks into the United States has reached nearly \$70,000, about seven times the cost of deporting them, and about \$70 billion, according to a new report. And, according to federal Census data, the surge of legal and illegal immigrants across the Mexico-U.S. border has reached a new high since 2011 and matched the historic high of 1.75 million set in 1999. The latest Census data from 2016 shows that immigrants continue to come into the United States, both legally and illegally, and the costs to taxpayers in enforcement and social services continues to rise – even when offset by the taxes they pay.

Reported similarly: [Washington Times](#) [10/31/2018 9:17 AM, Stephen Dinan, DC]

**Democratic senators want hearing on funding diversions for migrant children**

[The Hill](#) [10/31/2018 4:22 PM, Nathaniel Weixel, 2630K] reports a group of Senate Democratic appropriators have asked their Republican colleagues to hold a hearing regarding how the Trump administration has been funding the detention of unaccompanied migrant children. In a letter to Senate Appropriations Committee Chairman Richard Shelby (R-Ala.) and health subcommittee chairman Roy Blunt (R-Mo.) first shared with The Hill, the Democrats said the Department of Health and Human Services (HHS) needs to provide more information about how much money the agency's Office of Refugee Settlement needs to house separated children. "Since April when the Attorney General Sessions announced the family separation policy ... the funding needs of ORR have shifted dramatically. This policy has caused the needless separation of thousands of children from their parents," the Democrats, led by Sen. Chris Van Hollen (D-Md.), wrote. The letter was also sent to the Appropriations Committee's ranking member, Patrick Leahy (D-Vt.), and health subcommittee ranking member Patty Murray (D-Wash). Earlier this year, HHS told Congress it was reallocating nearly \$200 million in funds from health programs this year to house the increased number of detained migrant children. Democratic senators have previously expressed concerns that the need for additional funding for the Unaccompanied Alien Children program has been driven by Trump's "zero tolerance" policy, which saw the separation of thousands of migrant families at the border earlier this year.

**[NY] Trump's citizenship vow faces N.Y. obstacles**

[New York Daily Star](#) [10/31/2018 11:39 AM, Joe Mahoney, 12K, NY] reports New York's chief legal officer vowed to wage a legal fight Tuesday against President Donald Trump's efforts to revoke birthright citizenship for babies of noncitizens and unauthorized immigrants. "The Constitution is clear," state Attorney General Barbara Underwood said. "If President Trump's pre-Election Day ploy to unconstitutionally end birthright citizenship moves forward, we will see him in court." Trump, with the national Republican Party facing potential loss of its dominance of the House of Representatives in next week's midterm elections, has been stepping up his call for tighter border security and tougher measures to counter illegal immigration.

**[PA] Protesters continue to demand action on Berks family detention center**

[Ponte al Dia](#) [10/31/2018 11:00 AM, David Maas, 4K] reports on Tuesday, protesters once again gathered outside Pennsylvania Governor Tom Wolf's Philadelphia office to demand he close Berks County Residential Center, one of the country's three family detention centers. Protesters continue to insist that Wolf has the power to issue an emergency removal order to shut down the center, which they say is violating state and federal law. The governor maintains his hands are tied, given the contract is signed directly between Berks County and the federal government's Immigration and Customs Enforcement agency.

### **[TX] More Than 150 Families Who Were Separated at the Border Remain Locked Up in Texas**

[Texas Observer](#) [10/31/2018 12:56 PM, Jason Buch, 18K, TX] reports in the two months father and child spent apart, Felipe's 7-year-old son was bounced from a Border Patrol station in Texas to a nearby processing center for immigrant children, followed by more than a month with a foster family in California. But the pair's arduous journey from Honduras didn't end when they were finally reunited on July 21 at a detention center in Port Isabel. They're still in detention at a facility for families in Karnes City, 200 miles north of where they first asked agents for asylum in May. After a head-spinning, nearly six-month effort to seek refuge in the U.S., they don't know when they'll be released or when their asylum case might move forward. Felipe said he fled Honduras after his father-in-law was killed by a powerful man in his community and his family faced threats. The 28-year-old father and his son are among the more than 150 reunited families still locked up in two South Texas detention centers, some for as long as three months. That's despite a court ruling limiting how long the government can hold children and President Donald Trump's decision in July to stop separating families at the border. The administration had agreed in September to review the asylum cases of reunited families still in detention, but they didn't start that process until last week. The delays have left families "really frustrated," said Manoj Govindaiah, director of family detention services at RAICES, a San Antonio nonprofit representing families in the Karnes City facility. A spokesperson for U.S. Immigration and Customs Enforcement, which operates the detention centers, said the agency couldn't comment because of pending litigation.

### **[TX] Thousands Of Immigrant Children Held In Tent Cities, Detention Centers In Texas**

[Texas Public Radio](#) [10/31/2018 5:47 PM, Jan Ross Piedad, 6K, TX] reports the U.S. Department of Health and Human Services reports about 1,500 unaccompanied minors between the ages of 13 and 17 are being held in temporary shelters in Tornillo, Texas. There are more children in detention centers across the country. Between this summer's family separation saga and current concerns about a caravan of migrants approaching the U.S.-Mexico border, what's the next step for border control? As youth wait in limbo, how is the federal government handling their legal cases and what are the conditions like in the detention facilities where they're living? [Editorial note: consult source link for audio]

### **[TX] Undocumented immigrants say a better life – not children's citizenship – the main reason they come to Texas**

[Texas Tribune](#) [10/31/2018 3:45 PM, Hannah Wiley, TX] reports Isela was pregnant with her first child when she illegally crossed the river from Reynosa into the Rio Grande Valley in 2001. She said she didn't know much about life in the United States, but was convinced her unborn daughter would have a safer and more secure future across the border. Isela, who asked to be identified by her middle name because she is an undocumented immigrant,

gave birth to her daughter in Mission. Three years later, her son was born in McAllen. That granted the children birthright citizenship under the Fourteenth Amendment of the U.S. Constitution. President Donald Trump vows to end this right for children born to non-U.S. citizens with an executive order, something legal experts largely dismiss as unconstitutional. Still, Isela said it was the prospect of a better life — not her children's potential citizenship status — that was the driving force in leaving Mexico to start a family in Mission. And, she said, she'd cross the border again even if the Fourteenth Amendment didn't exist. Trump's promised order would also be the latest immigration-related executive action since his inauguration, following one that rescinded the Deferred Action for Childhood Arrivals and his so-called Muslim Ban, limiting who could travel to the United States. According to a Pew Research Center study that analyzed data from 2014, an estimated 11 million undocumented immigrants live in the United States. More than 1.5 million live in Texas. And throughout the state, more than 1 million U.S.-born children live with at least one parent who is undocumented. About 75,000 of them are in the Rio Grande Valley alone.

**[NM] A look at one Las Cruces church offering shelter to immigrants seeking asylum**  
[Las Cruces Sun News](#) [10/31/2018 6:33 PM, Diana M. Alba-Soular, NM] reports as sunset approaches on a recent day, a white-and-silver bus swings into the parking lot of a small Methodist church in central Las Cruces and comes to a halt. Inside the bus, still out of sight, are 23 women, men and children — asylum-seeking immigrants from Central America. Standing outside the bus at the head of a small, friendly greeting party is Rev. George Miller, pastor of El Calvario United Methodist Church. The church is preparing to receive the group of migrants, who'll stay at least overnight and possibly a couple of days. "The people we're housing are refugees," he told the Sun-News. "They've come to the border and applied legally. They're fleeing persecution and violence, and they've been released by the federal government to us." Just where are these immigrants going? They're bound for U.S. cities where their legal sponsor families live; most often this is a relative already living in the United States. Once they get there, they're obligated to appear at a federal immigration court hearing, as part of their asylum cases. By the time the immigrants reach El Calvario Methodist Church and several other Las Cruces churches participating in temporary shelter projects, these hearing dates have already been set. So, arranging transportation out of Las Cruces for these migrants as quickly as possible is key, volunteers said.

**[AZ] To some Arizona border residents troop deployment seems ridiculous**  
[Arizona Daily Star](#) [10/31/2018 9:15 AM, Tim Steller, 79K, AZ] reports that even from the porch of Melissa Owen's isolated ranch house, 4½ miles north of the border near Sasabe, the idea of sending 5,200 soldiers to the Mexico-U.S. line looks ridiculous. Owen's house is surrounded by a chain-link fence topped with razor wire, and the gate has a sign that says "Border Patrol always welcome," so Owen is thoroughly aware of the problems that illegal border crossings can bring. Still, she scoffed at the latest announcement by Trump when I visited her Tuesday. "The solution to the border problem is not on the border," she said, reciting a refrain she said she has used since 2005. "The solution to the border problem is in the poverty and corruption and hopelessness in Central America and Mexico. You don't fix it by leaving out cheese sandwiches (for border crossers), and you don't fix it by sending troops to the border."

**[Canada] Exclusive: Canada rushes to deport asylum seekers who walked from U.S. — data**



[Reuters](#) [10/31/2018 3:45 PM, Anna Mehler Paperny] reports Canada is prioritizing the deportation of asylum seekers who walked across the border from the United States illegally, federal agency statistics show, as the Liberal government tries to tackle a politically sensitive issue ahead of an election year. The number of people deported after their refugee applications were rejected was on track to drop 25 percent so far this year compared to 2017 to its lowest point in a decade, even as the number of deported border-crossers was on track to triple, according to Canada Border Services Agency (CBSA) data. More than 36,000 people have walked into Canada from the United States to file refugee claims since January 2017, many saying they feared U.S. President Donald Trump's election promise and policy to crack down on illegal immigration. The influx has thrown the Canadian asylum system into turmoil and caused a political uproar in a country accustomed to picking and choosing its newcomers. In response, the government gave more money to the independent body adjudicating refugee claims and appointed a minister responsible for border-crossers. The CBSA, which is responsible for deportations, said in an email to Reuters that it classifies border-crossers with criminals as a top deportation priority.

## **Legal News**

### **BIA Denies Mexican's Bid To Stop Removal Over Mental Health**

[Law 360](#) [10/31/2018 7:06 PM, Tiffany Hu] reports the Board of Immigration Appeals on Wednesday denied a Mexican man's bid to defer his deportation over his supposed mental health issues, finding that the man failed to show he would likely be tortured by police or mental institutions if he was forced to return to Mexico. Although the man, who was identified in the opinion only as J-R-G-P-, had argued that he would be arrested or sent to a mental institution if he were sent back to Mexico, he was unable to show that he was likely to be tortured by officers or institution workers, the BIA said in a published opinion. Unless the conditions rose to the level of "abusive or squalid," the judge did not err in finding that the man did not qualify for protection under the U.N. Convention Against Torture, the board said. Further, the immigration judge did not err in finding that the Mexican police were not specifically cracking down on "mentally incompetent individuals," the board said. The time and place where the man came to the U.S. is unknown, according to the decision. He first requested protection under CAT — a form of relief eligible to immigrants who have committed certain crimes but are "more likely than not" to be tortured if deported — after the U.S. Department of Homeland Security began removal proceedings against him, the board said.

### **3rd Circ. Upholds Man's Deportation For Counterfeit Check**

[Law 360](#) [10/31/2018 3:38 PM, Matthew Santoni] reports the Third Circuit on Tuesday upheld a decision to deport a man back to Sierra Leone for depositing a \$468 counterfeit check, ruling that because the man was part of a larger scheme that cost victims more than \$10,000, the immigration courts correctly determined he'd committed an aggravated felony. The three-judge panel said Samba Eric Kondeh Kamara, who had asked the court to review his case after both an immigration judge and the Board of Immigration Appeals ruled he was removable, may have had a small role in the larger fraud scheme, but because he was jointly on the hook for nearly \$19,000 in restitution, the immigration courts were right in finding he'd committed a removable offense. The panel also said it lacked jurisdiction to review whether Kamara was protected from deportation by the fear he'd be persecuted for his family's political affiliations if he returned to Sierra Leone. Kamara's plea in the underlying bank fraud case was not included in the record for his deportation proceedings,

but the immigration judge and the BIA were fine relying on the order that Kamara was jointly and severally liable for paying \$18,958.24 in restitution to determine that his crime was considered an aggravated felony, the panel said. The restitution order fell under the "sentencing-related material" the appeals court could consider, according to the opinion.

Kamara had pled guilty in a Minnesota federal court in April 2016 to aiding and abetting bank fraud, and agreed as part of that plea that he would be jointly and severally liable with his co-conspirators for the restitution. He had committed a crime of "moral turpitude" within five years of his immigration to the U.S. — Kamara came as a lawful permanent resident in 2009 and made the fraudulent deposit in 2012 — and prosecutors classified it as an aggravated felony, which the immigration courts said qualified him for deportation. After the Department of Homeland Security notified him of removal proceedings in August 2016, Kamara applied for asylum, citing the Convention Against Torture and "a fear that if he returns to Sierra Leone, he will be harmed or killed because of his late father's political affiliation and government service in the 1970s and 1980s," the opinion noted.

### **BBB Warns About Immigration Service Scams**

[La Prensa San Diego](#) [10/31/2018 2:35 PM, Ana Gomez Salcido, 1K, CA] reports that whether it is to renew a Green Card, become a citizen, or find the appropriate documents to legalize their status, those migrating to the U.S. should be aware of scammers claiming they are immigration lawyers or affiliated with the U.S. Government. Victims of immigration services scams often face a huge loss of both time and money, while also increasing their risk of being detained or deported by U.S. officials if they are not provided legal counsel by an authorized entity. The Better Business Bureau (BBB) shares some important tips to avoid immigration services scams like visiting official U.S. Government websites, when looking for immigration help. Potential victims might run across what looks like government websites – but are actually scammers pretending to be part of the U.S. Federal Government. Real government websites end with the suffix .gov.

People should also avoid using a public notary for legal advice. While the word "notario" may refer to a powerful attorney in many Latin American countries, in the U.S., notarios are not lawyers and they are not authorized to provide legal advice.

### **[NY] State official warns against scams targeting immigrants**

[Riverhead Local](#) [10/31/2018 6:40 AM, Staff, NY] reports the New York secretary of state is warning residents of a number of scams and fraudulent practices targeting immigrants. The fraudulent acts – involving offers of non-existent visa processes and costly but unqualified legal services – often target new Americans with limited English proficiency, Secretary of State Rossana Rosado said in a press release last week. Rosado, who oversees the Office for New Americans and the Division of Consumer Protection, warned against the following activities said scammers are offering services to obtain visas that don't exist and to file meritless asylum applications. "There is no such thing as a 10-year visa," which is something being advertised by some lawyers, Rosado said. "If a lawyer advertises a pathway to legal permanent residency under a '10-year visa,' they are promoting a two-step process that generally involves a meritless asylum application, which would likely put the immigrant in deportation proceedings and a process known as 'cancellation of removal,'" the secretary of state said. "Cancellation of removal" may allow undocumented immigrants who are in removal proceedings to obtain a green card if they have continuously lived in the United States for a minimum of 10 years, have no criminal record, and have a green card-

holder or U.S. citizen spouse, parent, or child who would suffer exceptional or extremely unusual hardship if the undocumented immigrant was deported from the United States.

The "cancellation of removal" process is highly risky and extremely difficult to win, Rosado warns. Someone purporting to represent the individual in such a situation may not inform them that by simply appearing in a removal proceeding, the individual risks deportation if they lose. Immigration judges have the sole discretion to grant or deny "cancellation of removal," whether or not an immigrant under removal proceedings meets the statutory requirements. Rosado also warned against "notary public fraud." In many Spanish-speaking countries, she said a notario público is an attorney. In New York, notaries public are licensed to certify identities and signatures. They are not necessarily attorneys. Notaries public who are not attorneys may not represent an individual before U.S. Citizenship and Immigration Services, in immigration court, or give legal advice. If a notary public offers to represent an individual in an immigration proceeding, it is an attempted scam, Rosado said. Rosado also warned against Immigration and Customs Enforcement Impersonators. There have been reported instances where fake ICE agents approach an individual and demand money to avoid deportation, Rosado said.

#### **[VA] Man who is deaf and mute argues for dismissal of capital murder charges in 2005 rape, murder**

[Richmond Times-Dispatch](#) [10/31/2018 11:10 AM, Frank Green, 134K, VA] reports that a deaf and mute man charged with the 2005 capital murder of a 16-year-old girl challenged his continued confinement without a trial in the Virginia Supreme Court on Wednesday. Oswaldo Elias Martinez, a 46-year-old El Salvadoran immigrant, is implicated by DNA and other evidence in the murder of Brittany Binger, who was raped and strangled to death in James City County on Jan. 3, 2005. Not long after he was charged, Martinez was deemed incompetent for trial because he can't speak or hear. Experts have said he may never learn sign language adequately enough to assist in his own defense. His lawyer, Timothy G. Clancy, argued Wednesday that the justices should dismiss the charges and overturn a lower court order keeping him held for treatment to restore competency because the law requires he received medically appropriate treatment, not educational treatment. Matthew P. Dullaghan, an assistant Virginia attorney general, countered that the law does not require treatment to be medical and that, in any case, the Supreme Court does not have jurisdiction to decide the case because it is not an appeal of a final civil judgment, but rather a criminal matter. Martinez is an undocumented immigrant, and if ever freed by Virginia authorities, he would wind up in ICE custody.

Additional reporting:

[WRIC TV](#) [10/31/2018 6:51 PM, Sara McCloskey, 28K, VA]

[Williamsburg Yorktown Daily](#) [10/30/2018 8:00 PM, Alexa Doiron, 4K, VA]

#### **[CA] DHS Denied Her DACA Bid As Retaliation, Activist Claims**

[Law 360](#) [10/31/2018 3:50 PM, Suzanne Monyak] reports a 23-year-old immigration activist and college student accused the U.S. Department of Homeland Security in a lawsuit Tuesday of retaliating against her because of her political activism, including by detaining her and then denying her application for deportation relief under the Deferred Action for Childhood Arrivals program. Los Angeles activist Claudia Sarahi Rueda Vidal, who has lived in the United States since she was six, told a California federal court that the DHS had violated her constitutional rights, as well as the Administrative Procedure Act, by denying

her DACA application without any explanation or prior notice. She claimed in the lawsuit that the agency arrested her and rejected her application as retaliation against her activism, and specifically in response to her successful protest campaign last year to free her mother from immigration detention, which was covered by the Los Angeles Times. Rueda claimed that her arrest is part of the DHS' practice since early 2017 of targeting vocal immigration activists for removal proceedings. That alleged practice has been challenged in at least two other lawsuits, including a suit filed last week by a group of immigration advocacy organizations against U.S. Immigration and Customs Enforcement, which is housed under the DHS.

In last week's lawsuit, the organizations cited multiple instances during the past year of ICE arresting prominent critics, including 22-year-old activist and DACA recipient Daniela Vargas, whose renewal application was pending at the time. Ravi Ragbir of the New Sanctuary Coalition of New York City has also accused the agency of targeting critics in an earlier February lawsuit in federal court. Rueda, described in Tuesday's lawsuit as "the paradigmatic 'Dreamer,'" is a Mexican citizen who entered the U.S. without authorization in 2001. She is currently pursuing a bachelor's degree at California State University, Los Angeles, and is involved in the Los Angeles Immigrant Youth Coalition, according to the complaint. According to the lawsuit, she was arrested and detained in 2017, less than a week after her mother was released from detention, by plainclothes officers early in the morning. The lawsuit alleges that the officers did not have a warrant, and that they did not identify themselves or explain why they were arresting her. After three weeks in detention, Rueda was released on her own recognizance by an immigration judge.

#### **[CA] U.S. citizen detained by ICE after computer error wins \$55K settlement**

[Victorville Daily Press](#) [10/31/2018 3:28 PM, Shea Johnson, 6K, CA] reports that a San Bernardino woman has settled a lawsuit for \$55,000 with local and federal law enforcement after she was detained by Immigration and Customs Enforcement last year despite being a U.S. citizen, federal court records show. San Bernardino County Sheriff's Department officials blamed the mix-up on a computer error they say has since been remedied. Guadalupe Robles Plascencia, 60 at the time of the lawsuit filed in December, has lived in California for roughly 40 years and became an American citizen in 1998, according to a copy of the complaint, which noted she is of Mexican origin.

The lawsuit claimed Plascencia was threatened with deportation and escorted to an ICE field office in San Bernardino before her passport and gun registration data revealed that she was an American citizen. ICE said it would never knowingly detain an individual when evidence indicated they were a U.S. citizen. The settlement, reached in October, calls for the county to pay \$35,000 and the federal government to pay \$20,000, according to the civil rights group.

## **Enforcement News**

#### **ICE Is Throwing A Record Number Of 18-Year-Olds Into Adult Detention On Their Birthdays**

[Huffington Post](#) [11/1/2018 5:00 AM, Angelina Chapin] reports on Roberto's 18th birthday in September, Immigration and Customs Enforcement (ICE) officers put metal cuffs on his hands and legs and a chain around his waist. They then drove him two hours from Homestead, the immigrant children's shelter where he had been staying since May, to The

Broward Transitional Center, an adult detention facility in Pompano Beach, Florida. Once Roberto — a pseudonym HuffPost is using to protect his identity — arrived, he changed into an orange jumpsuit and entered the jail with guards standing at every exit and bunk beds for the almost 600 men inside. He was imprisoned, despite having a relative who had applied to sponsor him. Lisa Lehner, an attorney at Americans For Immigrant Justice (AIJ) who worked on Roberto's case, says she sees teenagers aging out of shelters and being transferred to adult detention in record numbers, due to the government's recent crackdown on sponsors. Almost four months earlier, Roberto's California-based uncle had applied to sponsor him so they could live together. But throughout that time, Lehner says the government failed to process his uncle's fingerprints before Roberto turned 18, a situation that Lehner says has become increasingly common because of a backlogged system.

**[ME] Second man identified in border closure incident in Houlton**

[WAGM TV](#) [10/31/2018 10:12 AM, Staff, 6K, ME] reports that 22 year old Damien Roy and 21 year old Bailey Roy from Nova Scotia were arrested after RCMP reported they were investigating a suspicious vehicle at the border crossing in Woodstock. Damien Roy is currently in U.S. Immigration and Customs Enforcement custody. He is currently being held at the Cumberland County Jail in Portland pending immigration proceedings. Bailey Roy appeared in Woodstock provincial court on Monday. He is charged with willfully obstructing peace officers in the execution of their duties. He is due back in court on Thursday.

Reported similarly: [Rolling Stone](#) [10/31/2018 3:05 PM, Amelia McDonell-Parry, 2075K]

**[NY] Saudi Sisters Found Dead Bound With Duct Tape in New York Had Applied for Asylum**

[NTD](#) [10/31/2018 1:50 PM, Zack Stieber, NY] reports the Saudi Arabian sisters who were found dead and bound together with duct tape in New York City applied for asylum before they died. The revelation comes as new pictures of the girls were released by the NYPD. The mother of Tala Farea, 16, and Rotana Farea, 22, told detectives that she learned the girls applied for asylum in the United States the day before their bodies washed up on the East Side of Manhattan from the Hudson River. The Virginia-based mother said the Saudi embassy in Washington called her on Oct. 23 alerting her that the family's residence in America was in jeopardy because of the asylum applications, reported the New York Post. Officials wouldn't confirm the report publicly but did confirm they're looking into the sisters' immigration status.

[WDEF](#) [10/31/2018 7:18 PM, Staff, 12K, TN] reports that at a briefing Wednesday, police said the medical examiner determined the sisters were alive when they entered the water. Their cause of death has not been determined.

**[NY] 'The worst mistake': Greene County father in immigration detention for 10 months**

[Times Union](#) [10/31/2018 7:33 PM, Mallory Moench, NY] reports twelve years ago, Manu Dutt made a decision he said he will always regret. The Indian immigrant entered into a sham marriage to obtain a green card after his visitor visa expired, but the U.S. citizen woman involved caved to questioning by immigration officers, exposing them both. "That was the worst mistake that I made," Dutt told the Times Union over a video call from Batavia Federal Detention Facility near Buffalo, where he's been detained for 10 months. Dutt is now caught in the web of increasing immigration enforcement under the Trump



administration that's changed who is arrested and how long they're detained. Today the 36-year-old is a husband, father of two young boys and owner of multiple restaurants including Hunter Mountain Brewery near Windham, Greene County, where his family lives. Dutt and his current wife, Jomela, who is a U.S. citizen, have been married for 10 years. Last November, Dutt received notification that the government intended to deny his petition to get a green card through marriage. This January, after pleading guilty to disorderly conduct for issuing a bad check of around \$3,000 to a produce vendor — what he says was a misunderstanding — he was arrested and detained by U.S. Immigration and Customs Enforcement (ICE). ICE scheduled Dutt's deportation for this week, but it was cancelled because of his pending appeal — although the threat remains. An immigration judge ruled in Dutt's first appeal that he didn't prove his deportation would cause extreme and unusual hardship to his two U.S.-born sons, but Dutt's second appeal asks a higher court to reconsider.

Dutt's first application to legalize his status through marriage was initially denied but then approved with the help of a lawyer in 2011. The petition to get his green card was pending until Nov. 2017 when Dutt received notification that the government planned to deny it. Around the same time, he was charged with a misdemeanor for issuing the bad check and pleaded guilty to disorderly conduct violation in Gloversville City Court in January. Dutt said ICE showed up at court and ordered him to check in with immigration officials in a week. As he was walking out of court at his next court date, ICE detained Dutt. Dutt fought and lost his case before the Board of Immigration Appeals in April. He filed a petition to the Second Circuit Court of Appeals in September without a lawyer because he didn't have enough money. The government had already filed a motion to dismiss his petition and opposed his motion for a stay of removal when a team of lawyers from New York City-based Jenner and Block took on his case pro-bono in October. Dutt is also contemplating a petition in the Western District of New York challenging his lengthy detention pending a ruling on the merits of his case.

#### **[GA] Immigrants facing deportation held in private Georgia prison**

[U.S. News & World Report](#) [10/31/2018 7:38 AM, Associated Press] reports that a newspaper reports that immigrants facing deportation are being held in a private prison in Georgia rather than the Atlanta jail. The Atlanta Journal-Constitution reported the decision to put immigrants at the Robert A. Deyton Detention Facility in Lovejoy started in August, after Atlanta Mayor Keisha Lance Bottoms took steps toward banning them from the city's jail. The newspaper reported the U.S. Immigration and Customs Enforcement had 69 people at the prison in Clayton County last week. The U.S. Marshals Service told the newspaper it must file a Freedom of Information Act request to get the current cost. But the government was paying \$114 per night for each federal detainee held at the Clayton prison during the last fiscal year, compared with \$78 per night in Atlanta.

#### **[TX] Fugitive 18th Street Gang Member Arrested by Border Patrol Agents**

[Breitbart](#) [10/31/2018 12:58 PM, Bob Price, 2405K] reports Laredo Sector Border Patrol Agents arrested a member of the 18th Street gang who is also wanted for sexual battery in Tennessee. Webb County, Texas, Sheriff's Office deputies stopped a vehicle containing a group of suspected illegal immigrants near Aguilares. The deputies contacted Border Patrol agents assigned to the Hebbronville Station for assistance in identifying and processing the suspects, according to Laredo Sector Border Patrol officials. Agents responded to the scene and identified one passenger as a member of the 18th Street gang. The gang member also

has an active warrant in Tennessee for a charge of aggravated sexual battery. The agents arrested the fugitive and turned him over to the Webb County Sheriff's office to await extradition proceedings. The other migrants will be processed for immigration violations.

**[TX] Advocacy group: Detained woman needs to be released to protect daughter**

[Austin American Statesman](#) [10/31/2018 3:16 PM, Claire Osborn, 134K, TX] reports a local immigrant rights group is asking officials to release a woman from a detention center in Taylor so she can protect her 5-year-old daughter from alleged abuse by the girl's father, a news release said. Melvin Griselda Cruz Lopez, an asylum seeker from El Salvador, was separated from her daughter Samantha when Lopez's "abusive ex-partner called immigration nearly a year ago," the release from Grassroots Leadership said. It said Lopez's ex-partner is the child's father and that the girl lives with him near Chicago. The girl is a U.S. citizen, the release said. Immigration and Customs Enforcement did not respond to requests for comment. ICE officials have denied multiple community and legal requests to release Lopez on humanitarian grounds from the T. Don Hutto Detention Center, according to the release.

**[ID] African immigrant reaches nation's capital before his deportation gets postponed**

[Idaho State Journal](#) [10/31/2018 4:17 PM, Shelbie Harris, 19K, ID] reports that an African man who has called Southeast Idaho home for the past 16 years made it as far as the nation's capital before the federal Board of Immigration Appeals in Virginia granted an emergency request to postpone his deportation. U.S. Immigration and Customs Enforcement officials had plans to remove Chakanetsa Christopher Matimba to his native Zimbabwe on Tuesday, flying him from Boise to Denver to Washington, D.C., where he was set to catch a plane back to Africa. About 20 minutes later, his wife received a call informing her that an emergency stay request, or a document that asks to postpone deportation, was approved. Christopher was incarcerated and detained at the Jefferson County Jail on June 5 after learning of the decade-plus-old order of his removal during a routine meeting with ICE officials.

**[AZ] Illegal Immigrant Accused of Serial Rape in Arizona**

[Breitbart](#) [10/31/2018 1:42 PM, Robert Arce, 2405K] reports an alleged serial rapist reportedly living in the U.S. illegally attacked at least seven Phoenix area women in a year, local police say. Phoenix Police arrested an illegal immigrant identified as Isaias Jimenez-Perez, 35, late last month after DNA results and positive photo identification by victims determined he was involved in a series of attacks, according to a local report. Breitbart law enforcement sources indicated that Jimenez-Perez is originally from Mexico. Investigators were reportedly able to connect a series of attacks to Jimenez-Perez after detectives noticed a pattern between cases.

Reported similarly: [Arizona Republic](#) [10/31/2018 7:27 PM, Nathan J. Fish, 669K, AZ]

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Friday, Nov. 2, 2018**

## **Executive Office for Immigration Review**

ICE is sending out fake court dates to immigrants. Here's why..... 3

[FL] Roughly 100 people gather at Orlando immigration court because ICE agents gave them fake hearing dates .. 3

[TX] 'You descend into hell by coming here': How Texas shut the door on refugees ..... 4

## **Policy and Legislative News**

Trump Escalates Immigration Issue Days Ahead Of Elections With White House Remarks..... 5

Trump pledges asylum crackdown, tent cities; is it legal? ..... 6

Trump announces plan to block some migrants from seeking asylum at the U.S.-Mexico border, offers few details.. 7

Will Donald Trump Be Breaking the Law With New Asylum Policy? Immigration Experts Question Legality of Proposal . 8

Fact-checking Trump's immigration speech ..... 8

Economic distress is not grounds for seeking political asylum ..... 9

Bandaged feet, bleeding hands, violent coughs: The caravan takes its toll .....9

Trump says migrant caravans are 'larger' than reported.....9

Grassley asks DHS, State Department to brief Judiciary Committee on caravan ..... 10

Trump ready to militarize border to stop migrant caravans: 'These are not angels' ..... 10

Border force could grow to 15,000, Trump says ..... 11

Trump contradicts top general on border troop numbers, tent cities..... 11

Trump's Military Border Deployment Unclear in Size and Scope ..... 12

Migrant Caravan: Border Troops Preparing for Threat of Armed, Unregulated Militias, Leaked Documents Show..... 12

'Consider it a rifle': Trump says migrants throwing rocks will be treated as armed ..... 12

Former ICE chief: Trump's additional troops to border will do 'absolutely nothing'..... 13

Former Trump DHS spokesman on border troops: 'This is not a needed deployment' .....	14
The Latest: Immigration agents detain some in 2nd caravan.....	14
The Pentagon, soldiers, and taxpayers will pay for Trump's border-troops election stunt .....	15
As Midterms Near, Trump Reprises a Favorite Message: Fear Immigrants ...	15
The Migrant Caravan as Political Bandwagon .....	16
Trump's immigration obsession could backfire, some Republicans fear .....	16
Trump says he 'wouldn't be surprised' if unfounded conspiracy theory about George Soros funding caravan is true	17
Trump revives 'Willie Horton' tactic with ad linking illegal immigrant killer to Democrats .....	17
Study Finds Children Separated From Their Parents At The Border Experience High Levels Of Anxiety .....	18
Trump has precedent, common sense on his side in birthright citizenship fight .....	18
Finding a way to America .....	18
[TX] 100 Central American Migrants Cross into South Texas in One Day, Say Border Patrol.....	19
[TX] In El Paso, asylum seekers remain at border while president drafts new asylum process.....	19
[TX] El Paso hunkers down as Trump's immigration rhetoric, troops add to the tension .....	19
[TX] Fort Bliss to be border troop logistics hub; El Paso groups bash border militarization .....	20
[TX] Warehousing Immigrant Children in the Texas Desert.....	20
[NM] Southern New Mexico churches eye expanding migrant shelters.....	20

[CA] How Trump has used three horrific California slaying cases to demonize immigrants .....	20
--	----

[Canada] Trudeau Government Begins Deporting A Lot More Illegals From The U.S. ....	21
---	----

## Legal News

Migrants traveling to U.S. sue Trump, government; claim violation of constitutional rights .....	21
10th Circ. Revives Iranian's Religious Persecution Claims .....	21
Feds Fight ACLU Bid For Extra-Record Docs In Asylum Suit.....	22
[NY] Immigrant Activist Ravi Ragbir Can Stay in U.S. Until Court Decides on His Appeal .....	22
[NY] Troy mom gets money needed to fight deportation .....	22
[IL] McDermott Team Wins Asylum for Transgender Client from South America .....	23
[TX] Attorneys Claim U.S. Citizen Residing in San Antonio Was Wrongfully Deported .....	23
[MT] ACLU sues Lincoln County Sheriff for honoring ICE detainer, refusing bail to immigrant.....	23

## Enforcement News

'Happy Birthday, We're Sending You to Prison': Record Number of Young Immigrants Transferred to Adult Detention Upon Turning 18 .....	24
[ME] One of Halifax-area brothers arrested after N.B.-Maine border closure remanded until Nov. 30 .....	24
[NY] 'I don't know where my daughters are': Odd encounter deepens mystery surrounding disappearance and deaths of Saudi sisters .....	25
[WV] Mexican man sentenced for illegal re-entry .....	25

[MI] One Family's Story of Deportation to Mexico.....	26
[TX] Group of 74 Central American Migrants Apprehended at Texas Border .....	26
[TX] Hutto Trouble Again: Detained mother requests release, fearing daughter's safety .....	26

[TX] ICE In Dallas Removes Man Convicted Of Concealing Evidence For Boston Marathon Bombers .....	27
[TX] ICE deports El Salvador national wanted for aggravated homicide.....	27
[ID] African man has emotional last visit with his Pocatello family before likely deportation .....	27

## Executive Office for Immigration Review

### ICE is sending out fake court dates to immigrants. Here's why.

[VICE News](#) [11/1/2018 12:21 PM, Maria Gabriella Pezzo and Roberto Daza, 385K] reports hundreds of people stood in line outside immigration courts in cities across the country on Halloween for what appeared to be a trick: the date on their notices said October 31, 2018, but the immigration courts did not know they were coming. One attorney described the area outside the immigration court in San Francisco as a "mob scene." The line outside the immigration court in Atlanta hugged the gate around a good portion of the building. Immigration and Customs Enforcement appears to be sending notices with fake dates to prevent undocumented immigrants from qualifying for what's called the "stop-time rule," which can make them eligible to stay if they can prove they've been in the U.S. continually and have a family member with a green card or U.S. citizenship. Because ICE has long had difficulty scheduling dates with the immigration courts, it used to send notices with "TBD" court dates. The Supreme Court ruled that a "TBD" notice to appear was invalid, and that's when ICE started sending notices with fake dates. "This shows that they don't know who is in charge and who is setting policy, they don't trust anyone to be the designated decision maker," said Ben Johnson, executive director of the American Immigration Lawyers Association. The organization has been in touch with Executive Office for Immigration Review in Chicago to address the long wait lines and fake court dates.

### [FL] Roughly 100 people gather at Orlando immigration court because ICE agents gave them fake hearing dates

[Orlando Weekly](#) [11/1/2018 2:08 PM, Monivette Cordeiro, 55K, FL] reports about 100 people stood in a line that snaked around Orlando's immigration court Wednesday after local attorneys say U.S. Immigration and Customs Enforcement officials issued "fake court dates" to immigrants. People standing in line were told they were supposed to be at the courthouse off Maguire Boulevard on Oct. 31 for a hearing on their case, but for many, that hearing was never scheduled on the docket, says John Gihon, an immigration attorney with the firm Shorstein, Lasnetski, & Gihon. The government issues notices to appear to undocumented immigrants when their deportation proceedings have been started, which can happen, for example, when ICE takes undocumented people into custody or local police arrest undocumented people for an unrelated crime and refer them to ICE. Once the removal process is started, undocumented immigrants have to appear in court where they can argue their case before a judge – and not showing up to this hearing can lead to a quick deportation. Before the Supreme Court ruling, DHS agencies would issue NTAs to undocumented immigrants without a court date.



In a statement, a spokesperson for ICE said the agency "puts initial dates and times on Notices to Appear based on guidance on upcoming docket dates," but that local immigration courts are ultimately responsible for re-scheduling those NTA to dates that are appropriate. "[The Executive Office for Immigration Review] is responsible for setting and re-setting appearances dates upon receipt of Notices to Appear filed by U.S. Immigration and Customs Enforcements and other components of the U.S. Department of Homeland Security," ICE spokesperson Nestor Yglesias said in a statement. Henry Lim, an Orlando immigration attorney, calls the practice a "colossal waste of time and stress." "This falls squarely on the shoulders of ICE and the whole immigration system," Lim says. "The courts are overburdened and under sourced, nevertheless ICE is tasked with scheduling people correctly. There are 700,000 pending deportation cases and they don't want to add resources to hire immigration judges. Combine that with the administration going after every single person who's undocumented, including grandmothers and non-violent offenders. A lot of these inefficiencies are self-caused."

The [Orlando Sentinel](#) [11/1/2018 6:00 AM, Gal Tziperman Lotan, FL] reports that in a statement, a spokesman for the Department of Justice said the departments of justice and Homeland Security are working together to try and schedule the hearings. "These errors will be resolved and will not prevent these cases from being docketed properly in a timely fashion," spokesman Steven Stafford said. Employees from the Department of Homeland Security agencies, like U.S. Citizenship and Immigration Services and Immigration and Customs Enforcement, issue the notices to appear to start deportation proceedings, said Henry Lim, an immigration attorney with Lim Law.

**[TX] 'You descend into hell by coming here': How Texas shut the door on refugees**  
[The Guardian](#) [11/2/2018 2:00 AM, Justine van der Leun, UK] reports the El Paso Processing Center, informally known as the Camp, is a sprawling, walled compound of low-lying cinder-block buildings and trailers tucked between the landing strip at El Paso International airport and the Lone Star golf club, a public course that sits just across the street. The camp houses around 800 immigrants at any given time – some awaiting deportation, some awaiting their hearings or appeals. Wassim Isaac, a 32-year-old Syrian with ginger hair and impeccable manners, had been at the Camp for over a year by the time we met, in December 2017 – his asylum denied, his appeal wending its way through the system. Isaac, who asked that I not use his real name, had been the owner of a pharmacy back in Syria, and described himself as a college-educated, law-abiding churchgoer. When he first arrived at the Camp, he asked himself how he had come to be incarcerated. Immigration and Customs Enforcement (ICE) designates the Camp as a "holding and processing facility", but as far as Isaac could tell, it was a prison. There is no jury in immigration court, and indigent immigrants are not provided with attorneys. The judge is the sole decider, bound by statute and precedent, but also free to exercise discretion in applying the law. Judges are tasked with assessing the facts and determining the credibility of a case that usually hinges on one person's purported experience. Respondents can rarely produce eyewitnesses or police reports from a foreign country. Immigration judges have enormous power, but not much independence: they are not members of the independent judiciary, and do not practice in independent courts. They are executive-branch appointees, employed by the Executive Office of Immigration Review (EOIR), part of the Department of Justice (DOJ).

Isaac was able to hire a lawyer, and a good one at that. Isaac's brother hired Jessica K Miles, a 34-year-old Albuquerque native, who heads up the El Paso branch of Noble &

Vrapi, working directly under Vrapi, arguably the top immigration lawyer in the area. Miles was aware of El Paso's abysmal rates, which caused its attorneys no shortage of misery. But she was confident that she could win Isaac's case. In addition to his verifiable identity, clean record, compelling narrative and personal appeal, Isaac had been assigned to the docket of William Lee Abbott, El Paso's senior judge, appointed by Janet Reno, then attorney general, in 1995. A former INS attorney, cop and navy veteran, Abbott's grant rate was just 5.4% between 2012 and 2017 – but it was the most generous in El Paso. It seemed likely, then, that Abbott would actually grant Isaac asylum. But "because respondent did not corroborate his testimony with reasonably available corroborative evidence regarding important facets of his testimony, along with making clearly inconsistent statements to various law enforcement entities over time, respondent has failed to meet his burden of proof ... For these reasons, the court will deny his applications for relief in the form of asylum, withholding of removal and protection under the Convention Against Torture ... respondent is ordered removed to SYRIA ..." Miles doubted that Isaac would win asylum on appeal, because she couldn't pinpoint how he had lost; she had been convinced that the original case was airtight, yet Isaac had been denied anyway. But she was compelled to do everything in her power. For her, it assumed the same urgency as fighting a death-penalty case for an innocent man. In October, she sent the finished product to the Board of Immigration Appeals (BIA), the national body of judges that decides immigration-related appeals and sets precedent for the courts.

## **Policy and Legislative News**

### **Trump Escalates Immigration Issue Days Ahead Of Elections With White House Remarks**

[NPR](#) [11/1/2018 6:43 PM, Joel Rose and Scott Horsley] reports President Trump delivered a White House broadside against illegal immigration Thursday, underscoring what has become his central focus in the final days of the midterm election campaign. It served to elevate an issue that Trump has been hawking at campaign rallies and on Twitter. Aides promoted the president's remarks as an update on the "illegal immigration crisis," although unauthorized border crossings remain far below their historic highs. Trump promised to crack down on what he called the abuse of the asylum process and delivered a stern warning to a group of Central American migrants slowly making their way through Mexico, who have set their sights on the United States. The president said he is finalizing a plan that would require asylum-seekers to present themselves at U.S. ports of entry – a move that immigration advocates called illegal.

[C-SPAN](#) [11/1/2018 4:57 PM, Staff, 216K] reports President Trump delivered remarks on immigration and border security policy in the White House's Roosevelt Room. He said he wanted soldiers stationed at the border to shoot in response to rocks or bricks thrown at them, and reiterated comments he had made previously regarding policies to detain would-be asylum seekers in tent cities near the U.S.-Mexico border. The president also answered questions from reporters on immigration and other topics. [Editorial note: consult source link for video]

The [Huffington Post](#) [11/1/2018 5:01 PM, Elise Foley, 9094K] reports in an apparent effort to use anti-immigrant sentiment as a get-out-the-vote tool, President Donald Trump said Thursday that his administration is finalizing a plan to deny asylum to migrants who cross into the U.S. illegally -- a move that would be sure to draw legal challenges should it come

to fruition. Trump has been escalating his already aggressive attacks on undocumented immigrants ahead of the Nov. 6 midterm elections. Just this week, he announced plans to send at least 5,200 active-duty troops – and possibly as many as 15,000 to the U.S.-Mexico border to address migrant caravans, threatened to indefinitely detain asylum-seekers in "tent cities" and floated the idea of ending birthright citizenship. He said Thursday that he would issue an executive order "sometime next week" that would be "quite comprehensive." He said the plan would shut down access to asylum for people who seek safety in the United States unless they go to legal ports of entry. By law, immigrants can seek asylum either at ports of entry or once in the U.S. -- even if they crossed illegally. Trump insisted his plan to restrict asylum would be "totally legal." He repeated his vow to indefinitely lock up asylum-seekers while they pursue immigration claims, and claimed that "almost everybody" is abusing the system rather than pursuing legitimate efforts.

Additional reporting:

[The Hill](#) [11/1/2018 5:06 PM, Jordan Fabian, 2630K]

[USA Today](#) [11/1/2018 7:08 PM, David Jackson]

[US News & World Report](#) [11/1/2018 11:00 AM, Jeff Mason and Roberta Rampton, 3264K]

### **Trump pledges asylum crackdown, tent cities; is it legal?**

[Washington Post](#) [11/1/2018 6:50 PM, Jill Colvin and Colleen Long] reports President Donald Trump said Thursday he plans to sign an order next week that could lead to the large-scale detention of migrants crossing the southern border and bar anyone caught crossing illegally from claiming asylum — two legally dubious proposals that mark his latest election-season barrage against illegal immigration. "This is an invasion," Trump declared as he has previously on a subject that has been shown to resonate strongly with his base of Republican supporters. He made his comments at the White House in a speech that was billed as a response to groups of migrants currently walking toward the U.S. border. He then left for an evening political rally in Missouri, the latest in a daily series he has scheduled leading up to next Tuesday's elections for control of Congress.

U.S. immigration laws make clear that migrants seeking asylum may do so either at or between border crossings. But Trump said he would limit that to official crossing points. The U.S. also doesn't have space at the border to manage the large-scale detention of migrants, with most facilities at capacity. But Trump said the government would erect "massive tents." "We're stopping people at the border," he said firmly.

[MSN News](#) [11/1/2018 5:18 PM, Jeff Mason and Roberta Rampton, 55864K] reports that President Donald Trump said on Thursday he was finalizing a plan that would require immigrants seeking asylum in the United States to approach a legal port of entry, pushing a hard line on immigration ahead of next week's congressional elections. It was not clear whether the plan would pass legal muster. The Immigration and Nationality Act provides that any immigrant in the United States may apply for asylum, regardless of whether he or she entered the country through a designated port of entry. Trump has ramped up his tough stance on illegal immigration, an issue that appeals to his core supporters, before elections on Tuesday that will determine whether his fellow Republicans keep control of Congress.

Reported similarly:

[VOA](#) [11/1/2018 10:57 PM, Patsy Widakuswara, DC]

[Reuters](#) [11/1/2018 10:02 AM, Jeff Mason and Roberta Rampton]

[CNN](#) [11/1/2018 1:43 PM, Sarah Westwood, Kevin Liptak and Jeff Zeleny]

[NBC News](#) [11/1/2018 10:56 AM, Dartunorro Clark, 3539K]

[ABC News](#) [11/1/2018 2:18 PM, Meridith McGraw, 2704K]

**Trump announces plan to block some migrants from seeking asylum at the U.S.-Mexico border, offers few details**

[Washington Post](#) [11/1/2018 5:29 PM, David Nakamura and Nick Miroff, 11653K] reports that President Trump said Thursday he intends to take executive action next week to end the "abuse" of the U.S. asylum system, a plan that could include "massive tent cities" at the southern border aimed at holding migrants indefinitely and making it more difficult for them to remain in the country. Trump offered few other details during remarks at the White House where he reiterated unsubstantiated claims he has made in recent weeks that a caravan of migrants from Central America, traveling north through Mexico by foot, represents a national security threat. Trump said the emergency steps he plans to take would protect the United States against what he characterized as rampant fraud that threatens to overwhelm the nation's immigration system.

The president offered no legal rationale for his plan, and he brushed off questions about the legality of some of the methods he suggested could be employed, such as detaining families indefinitely or refusing migrants a hearing in immigration court.

Reported similarly:

[ABC News](#) [11/1/2018 5:43 PM, Staff, 2704K]

[The Atlantic](#) [11/1/2018 7:08 PM, Priscilla Alvarez, MA]

Trump: Migrants seeking asylum must present themselves at ports of entry

[Washington Examiner](#) [11/1/2018 5:40 PM, Melissa Quinn, 567K, DC] reports the Trump administration is finalizing a plan under which migrants seeking asylum in the United States will have to present themselves at ports of entry, President Trump said Thursday. "Under this plan, the illegal aliens will no longer get a free pass into our country by lodging meritless claims in seeking asylum," the president said while giving remarks on the "immigration crisis" at the White House. "Instead, migrants seeking asylum will have to present themselves lawfully at a port of entry, so they are going to have to lawfully present themselves at a port of entry," he added. Trump didn't say specifically how or when the change would be made, but he did say he hoped to sign a "comprehensive" executive order on immigration next week. The president said that under the current system, migrants use "fraudulent or meritless" claims to gain entry into the United States. The migrants, he said, cross the border illegally and present themselves to Border Patrol agents. Trump said some migrants are making a "mockery" out of U.S. immigration laws and abusing the asylum system. He also disparaged members of the caravan, saying they are "not legitimate asylum seekers."

[NBC News](#) [11/1/2018 12:39 PM, Julia Ainsley, 3539K] reports that President Donald Trump delivered a sharply worded speech on immigration Thursday, vowing to hold undocumented immigrants in detention until they could be deported and to block asylum seekers from claiming asylum if they are caught crossing the border outside of legal ports of entry. Both measures are expected to be met with lawsuits in federal court. Under current law, immigrants are allowed to make a claim for asylum anywhere in the United States, no matter how they entered. The Trump administration would be in violation of international asylum law as well, said Scott Anderson, a David M. Rubenstein fellow in governance studies at The Brookings Institution.

[FOX News](#) [11/1/2018 5:28 PM, Greg Re] reports Trump's decision was likely to prompt immediate federal court challenges. In his remarks, Trump called the thousands of migrants in the approaching caravans from Central America "not legitimate asylum-seekers" because most of them have not decided to remain in Mexico and pursue asylum there. "Asylum is not a program for people living in poverty," he said. Migrants who cross illegally are generally arrested and often seek asylum or some other form of protection. Claims have spiked since 2010, and there is currently a backlog of more than 800,000 cases pending in immigration court. Detention facilities are also nearly at their maximum capacity; Trump on Thursday said more are being constructed, and that illegal immigrants will be held in "massive cities of tents."

### **Will Donald Trump Be Breaking the Law With New Asylum Policy? Immigration Experts Question Legality of Proposal**

[Newsweek](#) [11/1/2018 5:42 PM, Alexandra Hutzler, 1720K] reports that President Donald Trump has announced that he plans to automatically deny asylum rights and detain migrants entering the United States illegally between the designated ports of entry. The president added that as of a few days ago, asylum seekers will be detained in "massive tent cities" until their hearing takes place or they are deported instead of being released into communities. "My administration is finalizing a plan to end the rampant abuse of our asylum system," Trump said. "Under this plan the illegal aliens will no longer get a free pass into the country by lodging meritless claims in seeking asylum. Migrants seeking asylum will have to present themselves lawfully at a port of entry."

Immigration and legal experts say the move could be illegal, as the president would be breaking both federal and international law. "It's not legal," Bill Hing, general counsel at the Immigrant Legal Resource Center and professor at the University of San Francisco, told Newsweek on Thursday. The U.S. has satisfied its end of the agreement by allowing migrants to present themselves at the border or at airports and giving them the opportunity to demonstrate that they are in need of protection. Along with international obligation, the federal government is also bound to allow migrants to apply for asylum by statutes in the Immigration and Nationality Act.

Additional reporting: [TIME](#) [11/1/2018 6:08 PM, Abigail Abrams, 3468K]

### **Fact-checking Trump's immigration speech**

[CNN](#) [11/1/2018 10:56 PM, Emma Lacey-Bordeaux, Geneva Sands, Ryan Browne, Marshall Cohen and Christina Walker] reports as the hours tick down to the critical midterm elections, President Donald Trump continues to focus attention on immigration, casting it as a threat and a cost to American taxpayers. In a speech on Thursday afternoon, he made a series of assertions about a group of Central American migrants traveling north together in a group toward the U.S.-Mexico border. Some expected Trump to announce new policies on asylum, but instead he hit on many of the same tropes that have been mainstays of his presidency. We dug into a handful of his claims to check their veracity.

The President talked about the number of non-citizens in the country going through certain immigration proceedings. Claim: "There are now nearly 700,000 aliens inside the United States awaiting adjudication of their claims." Fact-check: This claim is essentially true. Justice Department statistics show that in 2018 there are 786,303 pending cases with the



Executive Office of Immigration Review, the Justice Department body that adjudicates these claims. According to Justice Department, the statistics include removal, deportation, asylum and several other categories of cases.

The [New York Times](#) [11/1/2018 6:00 AM, Linda Qiu] reports what Trump said: "We're not letting them into our country. And then they never show up, almost, it's like a level of 3 percent. They never show up for the trial. So by the time their trial comes, they're gone, nobody knows where they are." False: President Trump was referring to the rate that migrants show up to immigration court proceedings after being apprehended and released into the United States. Data from the Justice Department shows that most immigrants do, in fact, show up to their court hearings. In the 2017 fiscal year, about 28 percent of immigrants failed to attend their court hearings — not the 97 percent Mr. Trump estimated. Among asylum seekers, only 11 percent did not show up for legal proceedings. Of the asylum seekers who participated in a pilot program tested as an alternative to detention, 99 percent attended Immigration and Custom Enforcement check-ins and appointments. And 100 percent turned up for court hearings. The Trump administration ended the pilot program last June.

### **Economic distress is not grounds for seeking political asylum**

[Washington Examiner](#) [11/1/2018 6:51 PM, Tiana Lowe, 567K, DC] reports that the hotly politicized migrant caravan coming from Central American consists of mostly of nationals from Honduras, El Salvador, and Guatemala. Migrants fleeing political oppression, systemic rape, or genocide deserve consideration for asylum. Those seeking economic refuge should wait at the back of the immigration line like everyone else. Despite the media's monolithic portrayal of the caravan, Central America has distinct and diverse countries, all grappling with a variety of sources of instability. While economic distress is indeed distressing, it alone is not grounds for seeking immediate refuge in a foreign country.

### **Bandaged feet, bleeding hands, violent coughs: The caravan takes its toll**

[Washington Post](#) [11/1/2018 8:04 PM, Michael E. Miller, 11653K] reports the buses they were waiting for had never arrived, so now the migrant caravan was moving again – a sea of weary men, women and children, borne forward in waves by nothing more than their blistered, bleeding and bandaged feet. On the 20th day of the caravan's journey north from Central America, signs of its physical toll were everywhere – in the bright white bandages that stand out against dust-caked clothes, in the chorus of coughs that fill their camps at night, in their limping gaits and bloodshot eyes as they set out each morning. In recent days, at least two women in the caravan have been rushed to hospitals to give birth. As the caravan has wound its way north, it has drawn the ire of President Trump and the anxiety of federal officials in Mexico, many of whom do not want to be seen as helping migrants reach the United States in the final days before the American midterm elections. Without buses – blocked by the Mexican federal government Wednesday night – how far the caravan goes may come down to how healthy it remains.

### **Trump says migrant caravans are 'larger' than reported**

[The Hill](#) [11/1/2018 8:39 AM, Megan Keller] reports that President Trump said in a new interview that it looks as though the Central American immigrant caravans moving toward the U.S. are much larger than reported. "You have caravans coming up that look a lot larger than it's reported, actually," the president told ABC News. "I mean, I'm pretty good at estimating crowd size. And I will tell you, they look a lot bigger than people would think."

Estimates vary on the each caravan's size. Many analysts number the first caravan somewhere around 5,000 and 7,000, but some place it as high as 14,000, according to Politifact. However, each caravan is reportedly losing members as it travels. The president made the comments as he defended saying that he may send as many as 15,000 U.S. troops to the border with Mexico. "It's very important," Trump said. "We have to have a wall of people – very highly trained people, terrific dedicated patriots. That's what they are."

**Grassley asks DHS, State Department to brief Judiciary Committee on caravan**

[The Hill](#) [11/1/2018 1:24 PM, Brett Samuels, 2630K] reports Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) said Thursday that he has asked the Department of Homeland Security and State Department to brief the committee on potential national security threats posed by a group of Central American migrants trekking north toward the U.S.-Mexico border. "Information on these groups will help the Committee address the needs of vulnerable asylum-seekers who need humanitarian relief and those Homeland Security officials tasked with processing people at our border, while preventing the entry of caravan members who are national security threats," Grassley wrote in a letter to Homeland Security Secretary and Secretary of State. Grassley wrote that his office obtained information showing "several members" of the caravan have "significant criminal histories" and affiliation with the MS-13 gang. He also cited a reported clash between the caravan and Mexican authorities earlier this week. Grassley asked the two departments to provide a briefing and updated details on the number of migrants traveling in the caravan who want asylum in the U.S. and how many migrants sought asylum in Mexico. He also requested information on the country of origin, criminal history and age of all caravan members with whom the Mexican National Institute of Migration has made contact.

[Town Hall](#) [11/1/2018 2:50 PM, Katie Pavlich, 348K] reports Senate Judiciary Committee Chairman Chuck Grassley confirmed Thursday afternoon there are serious and violent criminal elements traveling in multiple caravans headed toward the United States. "According to information obtained by my office, several members of the first caravan have significant criminal histories, including assault and sexual misconduct against a child, and membership in the MS-13 gang. Further, the Department of Homeland Security recently reported that several hundred members of the second caravan clashed with Mexican federal police throwing rocks, glass bottles, and even fireworks at Mexican officers in a seemingly criminal altercation," Grassley wrote in a letter to Homeland Security Secretary Kirstjen Nielsen and Secretary of State Mike Pompeo.

**Trump ready to militarize border to stop migrant caravans: 'These are not angels'**

[Washington Times](#) [11/1/2018 4:51 PM, S.A. Miller and Stephen Dinan, 547K, DC] reports President Trump said Thursday he will militarize the border "in a heartbeat" ordering troops to go beyond logistical support and patrol the border alongside Border Patrol agents if his latest plans to crack down on the migrant caravans don't pan out. The president, in an interview with The Washington Times, said he watched the caravans overwhelm Mexican police and troops to break into that country last month, and said he won't allow them to do that here. Asked if that means expanding the mission of up to 15,000 troops he may eventually deploy to include picking up arms and patrolling, he said it may get to that point. "If it's necessary, I will do that in a heartbeat," he said, adding that he hasn't decided on that yet. He detailed his tough stance just minutes before he held a press conference to announce a series of new moves designed to change the calculus of the migrant caravans and tens of thousands of other men, women and children from Central America eyeing the

trip north. He said he'll sign an executive order next week curtailing the ability of migrants to sneak across the southwest border and then claim asylum, saying only people who come to official ports of entry at the U.S.-Mexico boundary will be allowed to lodge claims.

### **Border force could grow to 15,000, Trump says**

[Politico](#) [11/1/2018 10:00 AM, Gregory Hellman, 2709K] reports President Donald Trump said on Wednesday that he would deploy a total of 10,000 to 15,000 U.S. troops to the southern border in preparation for a large group of Central American migrants heading toward the United States," via Politico's Matthew Choi. Speaking to reporters at the White House, Trump said the additional troops would supplement the military, border patrol and Immigration and Customs Enforcement agents already at the border, as well as the 5,200 members of the military he authorized earlier in the week. "We have about 5,000 – we'll do up to anywhere between 10 and 15,000 military personnel, on top of border patrol, ICE and everybody else at the border." "Nobody's coming in," he said of the migrants. The Pentagon has so far notified some 7,000 active-duty service members, roughly half the number Trump cited, that they could be sent to support its operation along the U.S.-Mexico border, adds Stars and Stripes. But those troops deployed at the border are limited in what they can do, writes The Associated Press. They're also prepping for militias stealing their gear, as well as protester violence, documents show, adds the Military Times. The mission to support U.S. Customs and Border Protection – on top of 2,100 National Guardsmen already in place – "is practical support based on the request from the commissioner of Customs and Border police, so we don't do stunts in this department," Mattis told reporters at the Pentagon.

[The Hill](#) [11/1/2018 4:47 PM, Ellen Mitchell, 2630K] reports the top Democrat on the Senate Armed Services Committee on Thursday dismissed 's decision to send thousands of active duty troops to the southern border as "unwise, unproductive" and likely a political show. "Your decision to rush thousands of our troops to the border at this time seems politically motivated and fails to implement reasonable and appropriate steps to address the true nature of the problem," Sen. Jack Reed (R.I.) wrote in a letter to the president. "This is not a military problem; it does not warrant a military solution."

Additional reporting:

[Washington Post](#) [11/1/2018 10:15 AM, Jennifer Rubin, 11653K]

[Newsweek](#) [11/1/2018 10:03 AM, Chantal Da Silva, 1720K]

[Yahoo! News](#) [11/1/2018 4:50 PM, Staff, 313K]

[Daily Wire](#) [11/1/2018 10:01 AM, Joseph Curl, CA]

### **Trump contradicts top general on border troop numbers, tent cities**

[Washington Examiner](#) [11/1/2018 7:02 AM, Jamie McIntyre and Travis J. Tritten, 567K, DC] reports that one day after U.S. Northern Commander Gen. Terrence O'Shaughnessy said he had no idea where anyone got the idea that he was preparing to send as many as 14,000 troops to the southern border, his boss, the commander in chief, floated an even higher number. "As far as the caravan is concerned, our military is out," President Trump told reporters at the White House yesterday as he prepared to leave for a rally in Florida. "We'll go up to anywhere between 10,000 and 15,000 military personnel on top of Border Patrol, ICE and everybody else at the border." On Tuesday, O'Shaughnessy said the total number of active-duty troops to be deployed to the border had not been determined, but he flatly dismissed the 14,000 number as "not consistent with what's actually being planned."

The number was reported by Newsweek on Monday night. "I honestly don't even know where that came from. That is not in line with what we've been planning."

### **Trump's Military Border Deployment Unclear in Size and Scope**

[U.S. News & World Report](#) [11/1/2018 1:16 PM, Paul D. Shinkman, 3264K] reports top Defense Department officials are pushing back on criticisms that the deployment of active duty troops to the southern U.S. border is a political stunt ahead of Tuesday's midterm elections, even though the scope of the mission in advance of the arrival of a migrant caravan remains unclear, as does its size and cost. "We don't do stunts," Defense Secretary Jim Mattis said of President Donald Trump's decision to send active duty troops to the southern U.S. border ahead of the Nov. 6 midterms. "We don't do stunts," Defense Secretary Jim Mattis said Wednesday when asked about critics' claims that Trump is using the deployment to bolster support ahead of the Nov. 6 midterms. "We are there in support of the secretary of homeland security, who needs additional military assistance. We do this following storms, we do this in support of the Department of Homeland Security. This is a different aspect of it, but that's what we are doing." Members of the military, principally National Guard, have historically supported domestic operations in times of emergencies, like hurricanes, or when domestic agencies like Customs and Border Patrol or Immigration and Customs Enforcement need support. More than 2,000 military personnel have for months been participating in another mission known as Operation Guardian Support, providing logistics and intelligence assistance along the southern border.

### **Migrant Caravan: Border Troops Preparing for Threat of Armed, Unregulated Militias, Leaked Documents Show**

[Newsweek](#) [11/1/2018 12:55 PM, James LaPorta and Chantal Da Silva, 1720K] reports as President Donald Trump directs thousands of troops to the U.S.-Mexico border in a show of military force against an approaching caravan of migrants from Central America, preliminary intelligence assessments are preparing for encounters with a litany of groups from unregulated militias to transcontinental criminal organizations, according to documents obtained by Newsweek. In a PowerPoint presentation from Saturday, the Joint Force Land Component Commander Threat Working Group prepared an intelligence assessment for Pentagon officials as they begin to carry out Operation Faithful Patriot, the interagency operation with the Department of Defense and led by the Department of Homeland Security, that started Tuesday. The presentation is marked as "UNCLASSIFIED//FOUO//LES," meaning, the documents are for official use only and are law enforcement sensitive. Newsweek obtained the operational planning documents earlier this week from two different Defense Department sources that have direct knowledge of U.S. Northern Command's mission on the southern U.S. border. Two areas of concern to U.S. intelligence officials involving points of entry and transcontinental criminal organizations is the point of entry in Brownsville, Texas, where the Rio Grande River is located between Matamoros, Tamaulipas, Mexico, and the San Ysidro point of entry, separating San Diego, California from Tijuana, Mexico. The assessment underscored news reports that combatant commanders might encounter unregulated militia members along the southern border in alleged support of U.S. Customs and Border Protection agents.

### **'Consider it a rifle': Trump says migrants throwing rocks will be treated as armed**

[Politico](#) [11/1/2018 7:49 PM, Ted Hesson, Rebecca Morin and Andrew Rustuccia] reports President Donald Trump announced Thursday that the U.S. military would treat any rocks or stones being thrown by asylum-seeking migrants slowly heading toward the U.S.-Mexico

border as firearms. "I will tell you, anybody throwing stones, rocks, like they did to Mexico and the Mexican military, Mexican police, where they badly hurt police and soldiers of Mexico, we will consider that a firearm," Trump said during an announcement that his administration next week would release a "comprehensive" executive action on immigration that will include changes to the asylum-seeking process. Some Central American migrants on Sunday briefly clashed with Mexican police along the border of Mexico and Guatemala, wounding six police officers before the migrants were placed in a line and processed. The asylum seekers, who are fleeing from violence and poverty, are more than 800 miles from Texas' southern border. In his remarks, Trump said that "there's not much difference" between a firearm and getting hit in the face with a rock.

[Town Hall](#) [11/1/2018 4:59 PM, Katie Pavlich, 348K] reports speaking from the White House Thursday afternoon, President Trump announced illegal aliens who are detained after crossing the southern border with Mexico will no longer be released into the interior of the United States. Instead, they will be detained until deportation. "We're stopping people at the border," Trump said. "This is an invasion...We are building massive numbers of tents and we will hold them in tents." According to current law, illegal aliens from Mexico can be detained and immediately deported. Illegal aliens from Central America are required to be released after 20 days in detention if they are traveling with children. Because the processing for illegal aliens -- claiming asylum or otherwise -- is lengthy, these individuals are released into the United States. They rarely show up for court dates and start building their lives in neighborhoods across the country. Trump said that policy ends today and illegal aliens will be detained until they are fully processed to deportation.

[BuzzFeed](#) [11/1/2018 7:29 PM, Brianna Sacks, 8149K] reports that President Trump on Thursday said he wants US troops to shoot anyone from the caravan of Central Americans who throws a rock at authorities because "there's not much difference" between a stone and a gun. "Anybody throwing stones, rocks, like they did to Mexico and the Mexican military, Mexican police, where they badly hurt police and soldiers of Mexico, we will consider that a firearm," Trump told reporters at a briefing on his proposed executive action to change the asylum process.

Reported similarly:

[ABC News](#) [11/1/2018 5:28 PM, Benjamin Siegel, Justin Fishel and Meredith McGraw]

[Yahoo! News](#) [11/1/2018 8:39 PM, Caitlin Dickson, 273889K]

### **Former ICE chief: Trump's additional troops to border will do 'absolutely nothing'**

[The Hill](#) [11/1/2018 2:07 PM, Tess Bonn, 2630K] reports former ICE chief John Sandweg said Thursday that 's move to deploy up to 15,000 active-duty military personnel to stop a caravan of Central American migrants from entering the country will do "absolutely nothing." Sandweg, who served as the acting director of ICE under the Obama administration, cited a lack of immigration judges as the real issue facing U.S. immigration enforcement. "What can 15,000 active duty military personnel do to assist with the problem that you're describing, which is not enough immigration judges to process these asylum claims?" Hill.TV co-host Krystal Ball asked Sandweg on "Rising." "Nothing – they can do absolutely nothing on that front, obviously," Sandweg said. The former ICE chief said deploying active-duty troops like the National Guard is not very effective, because they're not allowed to "Use force in any way shape or form," and are instead used as "logistical support" for officials at the border. "You only deploy the Guard to get extra visibility on the border, to help the border patrol find when people illegally enter, and that's just really not the problem here at



all," Sandweg said.

Sandweg, who has long advocated for increasing the number of immigration judges at the U.S. border, said that if the Trump administration wants to address the rise in Central American migrants coming to the southern border, the administration should implement a more comprehensive immigration strategy, such as one initially brought forth by Sen. Ted Cruz (R-Texas). "If we're looking for a real solution to this issue — honestly the person who suggested it long ago was Ted Cruz, of all people, who said we need to surge quickly and hire a bunch of immigration judges to process these claims quickly," Sandweg told Hill.TV.

Sandweg estimated that there are roughly 330 immigration judges at the U.S.–Mexico border and at least 800,000 cases, citing an uptick in the number of Central American migrants that started in 2014.

[The Hill](#) [11/1/2018 5:37 PM, Staff, 2630K] further reports that the migrant caravan is still approximately 1000 miles away from the U.S. border. President Donald Trump and Press Secretary Sara Huckabee Sanders discuss the number of troops being sent to the U.S. Mexico border and constitutionality of ending birthright citizenship. Former Acting Director of ICE John Sandweg discusses the migrant caravan and how to deal with it. [Editorial note: consult source link for video]

### **Former Trump DHS spokesman on border troops: 'This is not a needed deployment'**

[Washington Examiner](#) [11/1/2018 8:05 AM, David Brown, DC] reports that sending thousands of active-duty troops to the Mexican border makes no sense, according to a former spokesman for the Department of Homeland Security, who said "this is not a needed deployment." "It doesn't on a couple of levels," retired Marine Col. David Lapan said on CNN Wednesday night, when asked if the mission to send as many as 15,000 active-duty troops to the border makes sense militarily. "One, this issue about very dangerous people, again, no evidence that that's the case. Certainly many women and children involved. Are there males involved? Certainly. But if you're making the case that some of these people may be dangerous, well, one, the Customs and Border Protection folks that work the border every day are used to dealing with people who are potentially dangerous." He added that "The law doesn't allow for active-duty military forces to even interact with these migrants. So what kind of security are active-duty forces providing from these potentially so-called dangerous people?" Lapan, who was a spokesman for the Marine Corps and the Pentagon when he was in uniform, served as then-Homeland Security Secretary John Kelly's spokesman for nine months last year.

### **The Latest: Immigration agents detain some in 2nd caravan**

[Washington Times](#) [11/1/2018 10:10 AM, Associated Press, DC] reports that Mexican immigration authorities so far haven't tried to detain migrants in largest caravan of Central Americans now walking through the southern part of the country. But it's a different story with the second, smaller caravan of migrants about 200 miles behind them. A federal official who was not authorized to be quoted by name says 153 migrants were detained Wednesday during highway inspections in the southernmost state of Chiapas. While the precise size of that caravan is unclear, that could be equivalent to about 10 percent of those participating. Mexico's immigration agency does normally operate highway inspection checkpoints in the area near the Guatemalan border. But Wednesday's detentions appear to mark a shift in enforcement strategy toward the caravans. Officials haven't tried to detain

the first, larger group, instead offering free trips home or legal status in Mexico. But agents appear to be focusing on picking off smaller groups.

Reported similarly: [Associated Press](#) [11/1/2018 1:53 PM, Sonia Perez D.]

### **The Pentagon, soldiers, and taxpayers will pay for Trump's border-troops election stunt**

[Quartz](#) [11/1/2018 11:25 AM, Heather Timmons] reports Donald Trump's dispatch of thousands of US military troops to the southern border is a hastily planned campaign stunt that takes soldiers from other duties and leaves the Pentagon with the bill. That is the assessment of current and former federal and congressional staffers and civilian military analysts who spoke to Quartz. Active-duty troops are to be sent to the border with Mexico between now and mid-December, the administration announced Oct. 29, to help immigration officials "harden the border" against a caravan of asylum seekers traveling on foot. That number could increase to 15,000, Trump said Oct. 31, on top of about 2,000 National Guard troops dispatched in April. The announcement, in the days before the Nov. 6 midterm elections, has been characterized by Trump critics, former administration officials, and even some Trump supporters as timed to tell voters that Republicans are tough on border security.

The Department of Defense is still trying to figure out where, exactly, the troops are going to come from. Homeland Security, which is in charge of border security, isn't expected to reimburse the Pentagon for the exercise, and won't be in charge of the troops themselves, several officials said. "The DoD Comptroller is reviewing DoD accounts to fund this mission with minimal disruption to readiness and other DoD missions," a military spokesman told Quartz. He couldn't give an estimate for the cost because it "planning was still underway." Its Customs and Border Protection and Immigration and Customs Enforcement divisions have spent hundreds of millions to try to hire thousands more personnel for months, a government report shows. They've been unsuccessful, with CBP losing more employees than it gains, and new hires at ICE dropping, Government Executive reported in July.

### **As Midterms Near, Trump Reprises a Favorite Message: Fear Immigrants**

[New York Times](#) [11/1/2018 10:07 PM, Michael D. Shear and Julie Hirschfeld Davis, 55864K] reports President Trump's closing argument is now clear: Build tent cities for migrants. Immigration has been the animating issue of the Trump presidency, and now – with the possibility that Republicans could face significant losses in the midterm elections on Tuesday – the president has fully embraced a dark, anti-immigrant message in the hope that stoking fear will motivate voters to reject Democrats. In a rambling speech on Thursday afternoon that was riddled with falsehoods and vague promises to confront a "crisis" at the border, Mr. Trump used the official backdrop of the White House to step up his efforts to demonize a caravan of Central Americans that has been making its way through Mexico, assail Democrats, and promote a vision of the United States that would be better off with fewer immigrants. The president said he had ordered troops to respond to any migrants in the caravan who throw rocks as if they were brandishing firearms, saying, "I told them: Consider it a rifle." He said his government had already begun to construct "Massive cities of tents" to imprison legal and illegal immigrants who try to enter the United States. "This is a defense of our country," Mr. Trump declared from a lectern in the Roosevelt Room before leaving the White House to attend a campaign rally in Missouri. "We have no choice. We will defend our borders. We will defend our country."

### **The Migrant Caravan as Political Bandwagon**

[TIME](#) [11/1/2018 6:42 AM, Ioan Grillo, 3468K] reports that a thousand miles south of the Rio Grande, Lesly Xiomara Chirinos plodded along a Mexican road comforting her year-old son Murphy, her partner holding up an umbrella to shield them from the punishing sun. On Oct. 13, they abandoned their home in the Honduran city of La Ceiba to join several thousand people on the so-called migrant caravan heading north. Since then, they have been marching for long hours, jumping on pickup trucks, sleeping in parks, living on handouts of food. Chirinos, 31, says she fled because of death threats by gang members trying to shake down the family grocery store. In Honduras, extortion is often backed up by murder. "They wait in front of the shop with big guns, and we are scared to go out," she says. "The military police are outside, and they don't do anything." Their hope now is to get asylum in the U.S., where they would be protected from the gangs and be able to work to support the rest of their family.

On the other side of the border, politics awaits. The caravan of migrants and asylum seekers has become a virtual obsession of U.S. President Donald Trump, who has railed against it in tweets and at rallies over the past two weeks. He has claimed that it has been infiltrated by gang members, that dangerous people from the Middle East are traveling with it or that the Democrats are behind it-all without evidence. Trump may see the caravan as a potent political issue ahead of the midterm elections, with an Oct. 18 poll showing that 55% of voters believe immigration is a very important issue. He also claimed on Oct. 29 that he plans to end birthright citizenship by Executive Order, a move many lawyers believe would be unconstitutional. In addition to all the words, the Trump Administration is making real attempts to keep the caravan out. Trump has said he's willing to send as many as 15,000 troops to the U.S. border ahead of its potential arrival. Homeland Security Secretary Kirstjen Nielsen offered a message to its members on Oct. 28. "Do not come," she said on Fox News. "You will not be allowed in."

### **Trump's immigration obsession could backfire, some Republicans fear**

[Politico](#) [11/1/2018 9:24 PM, Gabby Orr, 2709K] reports President Donald Trump hammered his hard line on immigration again on Thursday, but some Republicans wish he would shift focus to the economy, lest he drive away suburban voters and mobilize Latino communities against the GOP. Several Republican operatives and officials described a growing sense of fear within the party over Trump's hard-line rhetoric on border security, which he has repeated nearly every day for the past three weeks. Operating under the assumption that talking tough on immigration can energize enough Republicans to stymie a "blue wave" of Democratic midterm voters, Trump has spent the past week unveiling restrictive immigration policies at a dizzying pace and making erroneous declarations about a caravan of Central American migrants. Because such language worked for Trump in his bid for the presidency two years ago, he firmly believes it carries the same weight with conservatives and right-leaning independents this election season, according to two sources close to the White House. "This isn't an innocent group of people," Trump said of the thousands-strong caravan in a rambling speech from the Roosevelt Room on Thursday, warning that it contained men who had injured Mexican security officers in clashes in that country. Trump's remarks loosely described an impending executive order, which he said would bar asylum claims from immigrants who cross into the U.S. illegally, and urged them to "turn back now because they're wasting their time."

### **Trump says he 'wouldn't be surprised' if unfounded conspiracy theory about George Soros funding caravan is true**

[Washington Post](#) [11/1/2018 6:58 PM, John Wagner] reports that President Trump suggested Wednesday that there might be truth to an unfounded conspiracy theory that philanthropist and Democratic megadonor George Soros is funding a caravan of Central American migrants, telling reporters that he "wouldn't be surprised" if that is the case. As he left the White House, Trump was asked whether he thinks somebody is funding the migrant caravan that is slowly making its way through Mexico toward the U.S. border. "I wouldn't be surprised, yeah. I wouldn't be surprised," Trump responded. Asked whether the funder could be Soros, Trump said: "I don't know who, but I wouldn't be surprised. A lot of people say yes." Trump's comments came in the wake of Soros being targeted with a pipe bomb last week and the fatal shootings this weekend at Pittsburgh synagogue by a suspect who posted frequently about the migrant caravan.

### **Trump revives 'Willie Horton' tactic with ad linking illegal immigrant killer to Democrats**

[Washington Post](#) [11/1/2018 6:10 AM, Allyson Chiu] reports that pinned at the top of President Trump's Twitter feed Wednesday was a video. The man on the screen has a shaved head and a mustache and long chin hair. Smiling, he announces, "I killed f- - - cops." The man is Luis Bracamontes, a twice-deported Mexican immigrant who was given the death penalty in April for killing two California law enforcement officers in 2014. At the time of the shootings, Bracamontes was in the United States illegally — and now, with the midterm election approaching, he's the star of the GOP's latest campaign ad. "Illegal immigrant, Luis Bracamontes, killed our people!" reads text on the 53-second video, which is filled with audible expletives. "Democrats let him into our country. . . . Democrats let him stay." The text is superimposed over videos of Bracamontes appearing to show no remorse for his crimes, and even declaring, "I'm going to kill more cops soon." More footage follows: Throngs of unidentified people rioting in unidentified streets and pushing down fences in undisclosed locations. A Fox News Channel correspondent interviewing a man identified only as "deported immigrant in caravan," who asks to be pardoned for attempted murder. "Who else would Democrats let in?" the video asks. An image of Bracamontes smiling reappears before being replaced by text, "President Donald Trump and Republicans are making America safe again."

The video, which the president promoted Wednesday afternoon to his 55.5 million Twitter followers, came with a message from Trump to "Vote Republican now!" As of early Thursday morning, the video had been viewed more than 1.8 million times, drawing widespread condemnation. Trump and Republicans were criticized for "fearmongering," and the ad has been decried as "racist," with many likening it to the infamous "Willie Horton" ads supporting George H.W. Bush in the 1988 presidential election. Only the video Trump shared, critics say, is "far worse."

Reported similarly:

[Washington Post](#) [11/1/2018 10:59 PM, Eli Rosenberg, 11653K]

[Washington Post](#) [11/1/2018 10:23 AM, Philip Bump, 11653K]

[Washington Post](#) [11/1/2018 2:47 PM, Erik Wemple, 11653K]

[USA Today](#) [11/1/2018 10:52 AM, William Cummings, 7165K]

[CNN](#) [11/1/2018 8:53 AM, Stephen Collinson, 55864K]

[NBC News](#) [11/1/2018 9:25 AM, Staff, 3539K]

[Huffington Post](#) [11/1/2018 6:43 AM, Willa Frej]

## **Study Finds Children Separated From Their Parents At The Border Experience High Levels Of Anxiety**

[Texas Standard](#) [11/1/2018 2:19 PM, Kristen Cabrera, 6K, TX] reports Texas' southern border is ground zero in the nation's immigration debate. We've covered concerns that the Trump administration's family separation policy could have lasting traumatic effects on the migrant children separated from their parents at the border. A recent study looked at the health impact on kids who are part of families of mixed legal status, such as the roughly 1,800 kids in the Rio Grande Valley who had a parent deported by Immigration and Customs Enforcement last year. Tania Chavez is with one of the groups releasing the study, La Union del Pueblo Entero or LUPE, a migrant relief and immigrant rights organization in the Rio Grande Valley. The study surveyed more than 200 parents of children who in which at least one person in their family is undocumented. The survey, combined with in-depth interviews of medical, education and business professionals in the Valley, found that children who were separated from parents, or whose parents were or deported show symptoms of separation anxiety that are higher than the national average.

## **Trump has precedent, common sense on his side in birthright citizenship fight**

[The Hill](#) [11/1/2018 11:00 AM, Brian Loneragan] reports that in his continuing effort to shake up the status quo in Washington, President Trump has dropped a bombshell. The announcement that he would sign an executive order restricting birthright citizenship sent the anti-borders movement into a state of apoplexy: "He can't overturn the Constitution! The issue has been settled!" Closer inspection reveals that Trump can indeed correctly interpret a law that has been misinterpreted for more than a century. To be clear, there is no text in the Constitution, a Supreme Court decision or an act of Congress that specifically conveys birthright citizenship to the children of illegal aliens. The legitimacy of the practice clings to a subjective interpretation of the citizenship clause of the 14th Amendment to the Constitution, which declares that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside." This, proponents claim, is the unassailable proof that the clause endows citizenship to children born in the United States to illegal aliens. Opponents have said that the "subject to the jurisdiction thereof" portion was meant to exclude aliens. If only the framers of the amendment were more specific in their language to settle the matter.

As it turns out, the framers were quite clear. Former Sen. Jacob Howard (R-Mich.), author of the citizenship clause of the 14th Amendment, said on the floor of the Senate in 1866 that the clause "will not, of course, include persons in the United States who are foreigners, aliens, who belong to the families of ambassadors or foreign ministers accredited to the Government of the United States, but will include every other class of persons." In other words, "quod erat demonstrandum."

## **Finding a way to America**

[Washington Post](#) [11/1/2018 10:12 AM, Kevin Sullivan and Maya Averbuch, 11653K] reports that just before dawn on a hot morning, Ingrid Hernandez Mejia, a fast-food cook from rural Honduras, stands in line with dozens of other migrants, almost all from Central America, on a pedestrian bridge leading to the U.S. border. She has no passport. She wears clothes donated by strangers. If U.S. agents admit her, her 2-year-old daughter Francis and 17-year-old son Moises, she knows they will spend weeks in detention. She hears on the news that U.S. officials are taking children from their parents. What if they take hers? She had traveled in a caravan from Honduras for two months with her husband and



three kids on buses, trains and trucks or walking, more than 2,700 miles, heading north to flee gangs that had killed her brother and were threatening her children. She had asked police in her Honduran hometown for protection, but she didn't know the names of those who threatened to kill her and who confronted her teenage son at school, demanding money they believed her brother left her. "We can't fight ghosts," a policeman told her. In that moment, Ingrid knew: "We will never be safe in my country."

**[TX] 100 Central American Migrants Cross into South Texas in One Day, Say Border Patrol**

[Breitbart](#) [11/1/2018 4:12 PM, Bob Price, 2405K,] reports that Central American migrants continue to flow into the Rio Grande Valley Sector in large numbers, Border Patrol officials say. In about 24 hours, agents apprehended nearly 100 from Central American countries including families and unaccompanied minors. Weslaco Station agents working near the border town of Hidalgo, Texas, encountered one large group of migrants on Tuesday evening. Agents said the group gathered along the U.S. side of the Rio Grande border with Mexico before moving out to find a law enforcement officer so they could surrender, according to Border Patrol officials. The Border Patrol agents rounded up the migrants and placed them into custody, officials stated.

**[TX] In El Paso, asylum seekers remain at border while president drafts new asylum process**

[KFOX 14](#) [11/1/2018 8:29 PM, Claudia Tristan, 9K, TX] reports President Donald Trump has taken a hard line on immigration as the migrant caravan continues to make its way toward the U.S.-Mexico border. The president said Thursday that changes could be coming to the asylum process. "If these caravans are allowed into our country, only bigger and more emboldened caravans will follow," Trump said. Under current protocol, many asylum seekers are released while their cases make their way through backlogged courts – a process that can take years. The president and other administration officials have long demanded that those seeking asylum come through legal ports of entry. Many migrants are unaware of that guidance, and official border crossings have grown increasingly clogged. Immigration officials have turned away asylum seekers at ports of entry because of overcrowding, telling them to return at a later date. Backlogs have grown especially bad in recent months at crossings in California, Arizona and Texas, with people generally waiting five weeks to try to claim asylum at San Diego's main crossing and sleeping out in the open for days at a time. Thursday, the first 100 active duty troops arrived at the border in McAllen as part of the more than 7,000 troops the Pentagon said were being sent to support Customs and Border Protection agents. The president also suggested that troops at the U.S.-Mexico border open fire at the migrant caravan if anyone in the caravan throws rocks or stones toward the soldiers.

**[TX] El Paso hunkers down as Trump's immigration rhetoric, troops add to the tension**

[Dallas Morning News](#) [11/1/2018 8:33 PM, Alfredo Corchado, 661K, TX] reports a huge cross-border unity race is canceled. Security drills atop the international bridge take place alongside riot police. Federal helicopters break the early dawn. U.S. troops are on the way and El Pasoans are holding protests and vigils as this city experiences rising tensions over President Donald J. Trump's attempts to put a stranglehold on immigration across the border with Mexico. The border – Brownsville to El Paso and San Diego – has comparatively low crime rates and makes up some of the safest communities anywhere in

the U.S. But the region has become ground zero for what critics call Trump's incendiary heated rhetoric aimed at whipping his political base into a frenzy just in time for the midterm elections Tuesday. Immigrant rights activists had harsh words of advice Thursday for Trump: Stop lying. Stop inciting violence. Stop using the border as a political punching bag. "The country is facing a moral crisis and given what we saw with the killings at the synagogue in Pittsburgh, and the mail pipe bombs, the Trump administration is playing with fire here on the border too," said Carlos Spector, an immigration lawyer of Jewish heritage.

#### **[TX] Fort Bliss to be border troop logistics hub; El Paso groups bash border militarization**

[El Paso Times](#) [11/1/2018 6:35 PM, Daniel Borunda, 11K, TX] reports that Fort Bliss will be a logistics hub for troops deployed to the U.S.-Mexico border, even as El Paso immigration advocates Thursday condemned the further militarization of the border. In addition to ordering troops to the border, President Donald Trump on Thursday said he would unveil a plan to limit asylum claims and has called for an end to birthright citizenship. El Paso advocates accused Trump of fanning fears about immigrants, including Central American migrant caravans, for political reasons before the Nov. 6 midterm elections. [Editorial not: consult source link for video]

#### **[TX] Warehousing Immigrant Children in the Texas Desert**

[American Civil Liberties Union](#) [11/1/2018 6:00 PM, Victoria Lopez, 123K] reports that since June, the federal government has been operating a massive tent city in the West Texas desert to detain immigrant children who have traveled to the United States seeking protection from persecution and abuse in their home countries.

Federal law prioritizes the best interests of the child. In the case of immigrant minors, that means prioritizing reunification and placing children in the least restrictive setting possible. Typically, these children are transferred from Department of Homeland Security custody to shelters across the country run by the Office of Refugee Resettlement, where they wait to be reunified with family members or other sponsors while their cases move through the immigration courts. The Tornillo detention camp represents a major shift in the policy and practice of putting the best interests of the child first. It is an outgrowth of a crisis manufactured by the Trump administration to terrorize immigrant communities and restrict legal options for people seeking protection in the U.S., including children.

#### **[NM] Southern New Mexico churches eye expanding migrant shelters**

[Albuquerque Journal](#) [11/1/2018 4:59 PM, Associated Press, 59K, NM] reports that a Catholic-run project in Las Cruces that offers short-term refugee housing says the rise in Central American migrants headed to the U.S.-Mexico border and a recent change in federal practices in housing asylum-seekers is putting a strain on the current number of shelters, The Las Cruces Sun-News reported. Project Oak Tree coordinator Leonel Briseno said advocates are seeking to expand the number of churches that could offer temporary housing. St. Genevieve Catholic Church and Our Lady of Health Catholic Church, both in central Las Cruces, are planning to open shelters, he said. Several Methodist and Lutheran churches also are operating small shelters.

#### **[CA] How Trump has used three horrific California slaying cases to demonize immigrants**

[San Diego Union Tribune](#) [11/1/2018 12:30 PM, Hannah Fry and Cindy Careamo, 291K, CA] From the time President Trump stepped onto the campaign trail more than two years ago he's pointed to three high-profile California slaying cases to highlight the dangers of what he contends is the country's broken immigration system. Like his invocation of the gang MS-13 and focus on the migrant caravan making its way toward the U.S. from Central America as the midterms approach, immigrants -- in the country illegally and legally -- have been wielded by Trump as a political weapon. His insistence on doing this has been met with waves of criticism by those who assert that Trump is scapegoating immigrants as a racist, fear-mongering tactic to influence voters. The tactic has also run in the face of numerous studies that have shown that immigrants commit less crime than native-born Americans.

**[Canada] Trudeau Government Begins Deporting A Lot More Illegals From The U.S.**  
[The Daily Caller](#) [11/1/2018 12:07 PM, David Krayden, 909K, DC] reports that the Trudeau government recently started deporting a lot more illegals coming into Canada from the United States. With a federal election due in less than a year, the Liberals appear to be taking action on a policy matter that has been the subject of growing public criticism. According to an email sent from the Canadian Border Security Agency to Reuters, the border patrol has been told to regard illegal border crossers from the United States the same way it regards known criminals who try to enter Canada. That could lead to three times as many border crossers being deported in 2018 than in the previous year, Reuters reports. This new approach to immigration is a radical change from Canada's policy of only a month ago when the Official Opposition Conservatives revealed how few illegals from the United States had actually been deported. As an anonymous source within the CBSA contends, that is creating problems for national security.

## Legal News

### **Migrants traveling to U.S. sue Trump, government; claim violation of constitutional rights**

[FOX News](#) [11/2/2018 4:00 AM, Edmund DeMarche and Amy Lieu] reports a dozen migrants traveling by foot from Honduras to the U.S. to seek asylum filed a class-action lawsuit Thursday against President Trump, the Department of Homeland Security and others, claiming a violation of their due process under the Fifth Amendment. The Fifth Amendment states that, "no person ... shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law." A recent PBS report cited former Supreme Court Justice Antonin Scalia, who ruled in 1993 case that "it is well established that the Fifth Amendment entitles aliens to due process of law in a deportation proceeding." Twelve Honduran nationals, including six children, are listed as plaintiffs in the lawsuit. The suit, which was filed Thursday in the U.S. District Court in Washington, D.C., said it is widely known that Guatemala, Honduras and El Salvador are "undergoing a well-documented human rights crisis."

### **10th Circ. Revives Iranian's Religious Persecution Claims**

[Law 360](#) [11/1/2018 4:29 PM, Suzanne Monyak] reports a Tenth Circuit panel on Wednesday agreed to rehear an Iranian citizen's claims that he would face persecution in his native country because of his recent conversion to Christianity, kicking his asylum case back to the Board of Immigration Appeals to reconsider in light of its decision to reopen a

similar asylum case. The panel instructed the BIA to rethink its earlier decision denying Mehrdad Noori Hossain Abadi's motion to reopen his immigration case, after the board recently agreed to reopen a similar case of another Iranian citizen and recent convert to Christianity, known as *In re Mohajer-Soltani*. According to court filings, Noori tried to enter the United States in 1993 with a fraudulent visa and was placed in exclusion proceedings, the term for removal proceedings prior to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. Noori applied for asylum and a withholding of exclusion and deportation, claiming he would be persecuted for his political opinion. An administrative law judge denied his application, and the BIA denied his petition for review and his subsequent motion to reopen, according to the opinion. Noori nonetheless remained in the U.S., and in 2017, he converted from Islam to Christianity and married a woman who had also recently converted. He then filed another motion to reopen his case, asking for asylum, a withholding and protection under the Convention Against Torture. In that motion, Noori claimed that persecution of Christian converts in Iran had increased since his exclusion hearing in 1994.

### **Feds Fight ACLU Bid For Extra-Record Docs In Asylum Suit**

[Law 360](#) [11/1/2018 6:34 PM, Suzanne Monyak] reports the Trump administration fought back against a bid by the American Civil Liberties Union to include additional evidence in a lawsuit challenging tightened restrictions on asylum eligibility for domestic abuse survivors, urging a D.C. federal court in a Wednesday filing to strike numerous court documents from the record. The U.S. Department of Justice argued that the inclusion of extra-record evidence is not justified in the lawsuit, which is challenging U.S. Attorney General Jeff Sessions' finding in his review of a Board of Immigration Appeals decision, known as *Matter of A-B-*, narrowing the instances in which victims of domestic abuse or gang violence are eligible for asylum protection. The lawsuit also challenges a subsequent policy memo, issued by the U.S. Citizenship and Immigration Services, providing guidance for asylum officers in light of Sessions' review.

### **[NY] Immigrant Activist Ravi Ragbir Can Stay in U.S. Until Court Decides on His Appeal**

[WNYC](#) [11/1/2018 5:29 PM, Beth Fertig, 150K, NY] reports that a panel of three federal appeals court judges in Manhattan granted Ravi Ragbir a stay of deportation. This followed arguments from both sides on Monday. The unanimous decision is a good sign for Ragbir because the judges had to consider the likelihood he would prevail on the merits of his main case. This stay is just until they decide on that matter and it's not known when they'll make their ruling. Ragbir is appealing a decision earlier this year by a federal judge, who dismissed his claim that Immigration and Customs Enforcement (ICE) tried to deport him in January because of his activism.

### **[NY] Troy mom gets money needed to fight deportation**

[Times Union](#) [11/1/2018 6:57 AM, Mallory Moench, 118K, NY] reports a day after Troy mother of two Dalila Yeend petitioned for funds to fight her deportation, a stranger donated the full amount needed. The anonymous donor, a Times Union reader, gave Yeend \$1,225 – the cost of filing her green card and work authorization applications. If she couldn't pay and file, it was more likely that an immigration judge would order her deported at her next date in immigration court on Nov. 19. Yeend came with her mother to the U.S. 18 years ago on a New Zealand passport. After she turned 18, Yeend had to make her own application to stay in the country. She settled in Troy, where she got married and had kids, of whom she has full custody after a domestic violence incident. In 2015, ICE began Yeend's deportation

proceedings and required her to check in regularly with them. Her next date in Buffalo immigration court is Nov. 19.

**[IL] McDermott Team Wins Asylum for Transgender Client from South America**

[McDermott Will and Emery](#) [11/1/2018 2:54 PM, Staff, 6K] reports McDermott Will & Emery recently secured asylum in the US for a pro bono client from South America. The client had originally fled prosecution as a transgender individual to Europe, but after receiving similar treatment there, ultimately sought refuge in the U.S. This intermediary relocation to Europe made the case particularly challenging. U.S. immigration laws bar asylum if an applicant has "firmly resettled" in a third country prior to arrival in the U.S. In the Court of Appeals for the Seventh Circuit, if the applicant received an offer of permanent residency, citizenship or some other type of permanent resettlement in the third country, the applicant must show that they fall within an exception to the firm resettlement bar. In February 2016, the McDermott team successfully argued Department of Homeland Security failed to meet its burden to show an offer of permanent residency, and the client fell squarely within an exception to firm resettlement. McDermott argued that a person seeking asylum in the U.S. cannot be firmly resettled in a country where they continue to face the same persecution as was experienced in the country from which they originally fled.

**[TX] Attorneys Claim U.S. Citizen Residing in San Antonio Was Wrongfully Deported**

[Rivard Report](#) [11/1/2018 8:12 PM, Jackie Wang, 9K, TX] reports a local law firm has filed a claim with the Department of Homeland Security on behalf of a San Antonio resident and U.S. citizen who was deported to Mexico earlier this year. A press release Thursday from the Espinoza Law Firm stated that the federal government discriminated against Hispanics when they targeted Julio Cesar Ovalle based on his appearance. The claim filed by Espinoza Law Firm starts the legal process for Ovalle, attorney Javier Espinoza said. The federal government has six months to respond to the claim, Espinoza said. Attorneys for the 24-year-old Ovalle said he was stopped by a Border Patrol agent June 11 while walking to an H-E-B in Northwest San Antonio near his home. The agent detained him after Ovalle said he was a U.S. citizen but did not have identification. Ovalle was deported to Nuevo Laredo, Tamaulipas, Mexico, the next day without seeing a judge, making a phone call, or having access to an attorney, according to the law firm's press release. U.S. Customs and Border Protection declined to comment.

**[MT] ACLU sues Lincoln County Sheriff for honoring ICE detainer, refusing bail to immigrant**

[Missouliau](#) [11/1/2018 12:46 PM, Seaborn Larson, 33K, MT] reports the American Civil Liberties Union of Montana sued Lincoln County Sheriff Roby Bowe on Thursday in district court there, alleging Bowe is detaining an immigrant man against state law. Agustin Ramon, a 32-year-old dual citizen of Mexico and France, was booked into the Lincoln County jail in early August on burglary charges, according to the ACLU's civil complaint. While Ramon's wife paid a bail bond company the agreed rate to post his \$25,000 bond, officials reportedly told the bondsman that payment would likely not lead to Ramon's release due to a detainer order from Immigration Customs and Enforcement. The immigration detainer asks local authorities to hold that inmate for another 48 hours after he would be released; for example, following payment of Ramon's bond. The ACLU contends that Bowe is overstepping his authority by holding Ramon on suspected immigration violations, which would be a civil matter, without allowing him to post bond for his criminal charge and be released ahead of trial.



The Montana Supreme Court has yet to make a ruling on the legality of immigration detainers in the state. In December, the state high court dismissed a petition to release a Mexican immigrant who was held on a detainer, finding the issue was moot since he had come into custody of the Department of Homeland Security, and the question of whether Gallatin County officials were holding him illegally had passed. The Montana Attorney General's Office filed an amicus brief in that case supporting the detainer, and called the petition a "thinly veiled request" for the court to void federal immigration law. Attorney General Tim Fox argued in that Montana law did authorize Gallatin County Detention Center officials to honor the immigration detainer.

Reported similarly:

[KPAX-TV 8 Missoula](#) [11/1/2018 4:30 PM, Connor McCauley, 10K, MT]

[Flathead Beacon](#) [11/1/2018 2:03 PM, Justin Franz, 7K, MT]

## **Enforcement News**

### **'Happy Birthday, We're Sending You to Prison': Record Number of Young Immigrants Transferred to Adult Detention Upon Turning 18**

[Common Dreams](#) [11/1/2018 10:56 AM, Julia Conley, 226K, ME] reports that when the Trump administration began cracking down on family sponsors for young immigrants earlier this year, immigrant rights advocates correctly predicted the new policies would result in fewer families coming forward to claim young people in detention centers – and that trend is having far-reaching effects on immigrants as they age out of children's facilities. With fewer sponsors coming forward, children's detention facilities are holding more than 12,000 young immigrants – more than five times the number of children in federal custody in the spring of 2017-and upon turning 18, a record number of detainees are now being transferred directly to adult facilities. Immigration and Customs Enforcement announced earlier this year that every member of a household offering to sponsor a young immigrant would be forced to undergo a background check involving fingerprinting. The regulation has caused fewer families to come forward, as has caused widespread fear in Latino communities that ICE will target families for deportation if they attempt to retrieve their young relatives from detention. The fingerprinting requirement has also caused a backlog, with the government failing to process background checks for many families in time for young immigrants' 18th birthdays, forcing them to be sent to adult facilities. Such transfers violate the Flores settlement, critics say, which states that children of detained undocumented immigrants must be held in the "least restrictive setting available."

### **[ME] One of Halifax-area brothers arrested after N.B.-Maine border closure remanded until Nov. 30**

[CBC](#) [11/1/2018 1:06 PM, Bobbi-Jean MacKinnon, Canada] reports that one of two Nova Scotia brothers arrested during an incident that closed the Canada-U.S. border between Woodstock, N.B., and Houlton, Maine, for several hours last week will remain in custody for at least another month. Bailey Roy, 21, of Halifax appeared in Woodstock provincial court on Thursday and was ordered remanded until his next court appearance on Nov. 30. Roy was charged Monday with willfully obstructing peace officers in the execution of their duties. He could also face charges in the U.S., according to U.S. Customs and Border Protection officials. RCMP have said they responded to a report of a suspicious vehicle that had stopped between the Canada and U.S. entry points around 10:15 a.m. Friday. The two men

inside the vehicle refused to speak with police officers or Canada Border Services Agency officials, RCMP said. About six hours later, when the vehicle proceeded toward the U.S. port of entry, both men were arrested by U.S. Customs and Border Protection officials and the vehicle was seized. The name of the other man arrested has not been released by police or border officials, but CBC News has learned it was Roy's older brother, Damien Roy, 22, of Middle Sackville. The Immigration and Customs Enforcement (ICE) website lists Damien Roy as being detained at Strafford County Correctional facility in New Hampshire. Neither ICE nor the RCMP have said what charges, if any, he will face in the U.S. or Canada.

**[NY] 'I don't know where my daughters are': Odd encounter deepens mystery surrounding disappearance and deaths of Saudi sisters**

[Washington Post](#) [11/1/2018 3:20 PM, Staff, 11653K] reports Everett Johnson said his former neighbor's face grew stern when he asked how she was doing during a chance encounter around the start of October in Fairfax County, Va. The mother from Saudia Arabia offered a surprising reply. "I don't know where my daughters are," the woman told Johnson. Johnson said the mother told him that she didn't know why Rotana Farea, 22, and Tala Farea, 16, had disappeared or where they were, and that she hadn't communicated with them recently. "I told her, 'Call the police,'" Johnson said. The unusual encounter came roughly a month before the sisters' bodies were found on the banks of the Hudson River in New York City on Oct. 24 and during the heart of a period detectives are mining for clues, police said. The mystery surrounding what befell the sisters has only deepened over the last week. New York City police said they are trying to piece together a two-month gap in the sisters' lives after they disappeared in late August, while a medical examiner is still determining the cause and manner of their deaths. A New York City police spokeswoman declined to comment on the sisters' immigration status. The New York Post, citing unnamed police sources, reported that detectives learned that the day before the bodies were found, the mother received a call from an official at the Saudi Embassy in Washington saying the family may have to leave the United States because the sisters had applied for political asylum.

Additional reporting:

[AM New York](#) [11/1/2018 8:01 PM, Anthony M. DeStefano, 71K, NY]

[CBS Baltimore](#) [11/1/2018 10:29 AM, Staff, 63K, MD]

**[WV] Mexican man sentenced for illegal re-entry**

[Beckley Register-Herald](#) [11/1/2018 5:37 PM, Wendy Holdren, 4K, WV] reports that a Mexican national man was sentenced to "time served" after his guilty plea to the felony offense of re-entry of a removed alien. Alonso Tapia-Gomez has been incarcerated since May 15, when he was found in Beckley. Specifically, agents with ICE received a cellular phone call from the West Virginia State Police about an individual in a traffic stop who was possibly in the U.S. illegally. This suspicion was based on a Mexican identification document that was given to the West Virginia State Police trooper by Tapia-Gomez.

Tapia-Gomez admitted to being in the U.S. illegally. ICE agents responded to the scene and took Tapia-Gomez into federal custody. Tapia-Gomez's fingerprints matched him to four prior encounters where he was found in the U.S. illegally and deported from the U.S. to Mexico. Tapia-Gomez again illegally reentered the U.S. prior to his arrest in 2018. Tapia-Gomez had not obtained permission to legally enter and had not sought legal status or

citizenship. Tapia-Gomez was immediately remanded to ICE custody for deportation proceedings.

**[MI] One Family's Story of Deportation to Mexico**

[New York Times](#) [11/1/2018 3:54 PM, Sara Aridi, 22322K] reports the threat of deportation has clouded Lourdes Salazar Bautista's future for some time. She had left Mexico in 1997 to join her husband, Luis Quintana Chaparro, in Denver, where he had moved a decade earlier. Four years later, the couple bought a house in Ann Arbor, Mich., and raised three children there: Bryan, 14; Lourdes ("Lulys"), 16, and Pamela, 20. Ms. Bautista, 50, and Mr. Chaparro, 52, were undocumented but always managed to find work. She earned a living cleaning houses and churches while he took construction jobs. In 2010, Immigration and Customs Enforcement officers detained Ms. Bautista. She spent 23 days in custody before her lawyer reached an agreement with ICE: She would be allowed to stay in the United States to care for her children — if her husband was deported instead. That compromise granted her a stay of deportation, which she renewed every year. But when the Denver-based photographer Rachel Woolf met the family last year, their world was crumbling for the second time. In March 2017, Ms. Bautista was told that her application would no longer be renewed. She fought the decision for months. But that August, she was deported with a 10-year re-entry ban.

**[TX] Group of 74 Central American Migrants Apprehended at Texas Border**

[Breitbart](#) [11/1/2018 10:57 PM, Bob Price] reports Border Patrol agents continue to apprehend large groups of Central American migrants after they cross the unsecured border between Mexico and South Texas. In a single incident on Wednesday, Rio Grande Valley Sector agents apprehended a group of more than 70. Agents assigned to the Weslaco Station encountered a group of migrants who illegally crossed the border early Wednesday morning near Hidalgo, Texas. Rio Grande Valley Sector officials said the group consisted mainly of family units and unaccompanied minors. The agents took the 74 migrants into custody and transported them to the station where they identified them as coming to the U.S. from El Salvador, Guatemala, and Honduras. The apprehension of these large groups of migrants comes as a third caravan is bound for the U.S. from Central America, Breitbart News reported on Wednesday. The Rio Grande Valley Sector in South Texas continues to lead the nation in the apprehension of Family Unit Aliens (FMUA) and Unaccompanied Alien Children (UAC). The sector witnessed a 27 percent increase in the number of FMUAs apprehended in 2018 compared to the previous fiscal year, officials reported. The number of families apprehended jumped from 49,896 in FY2017 to 63,278. The apprehension of UACs in this sector remained relatively flat 23,757 — an increase of 49 minors.

**[TX] Hutto Trouble Again: Detained mother requests release, fearing daughter's safety**

[Austin Chronicle](#) [11/2/2018 6:00 AM, Mary Tuma, Fri., Nov, 63K, TX] reports immigration advocates are calling for the release of Melvin Griselda Cruz Lopez, an asylum seeker from El Salvador, from the T. Don Hutto detention center in Taylor. Lopez, who lived in the U.S. for a more than a decade before the threat of deportation, was separated from her 5-year-old daughter, Samantha, after her abusive ex-partner called Immigration and Customs Enforcement on her. Lopez now fears for her daughter's life, as that partner is her only active guardian. He has kept the girl isolated from her family nearby. Despite the danger her daughter faces — and Lopez's severe pain caused by head trauma after taking questionable

medication in detention – two requests for release were denied. Representing Lopez in an appeal to a denied protection similar to asylum, attorney Kate Lincoln-Goldfinch said an audio recording that alleges Lopez's daughter being physically abused was sent to ICE, who denied the request within a day. Lopez is an ideal candidate for a U visa, which protects survivors of domestic violence, but she never filed a police report out of fear of deportation, a worry that eventually materialized, underscoring the vulnerability of undocumented immigrants – especially women.

**[TX] ICE In Dallas Removes Man Convicted Of Concealing Evidence For Boston Marathon Bombers**

[CBS 11 Dallas Fort Worth](#) [11/1/2018 4:24 PM, Staff, 145K, TX] reports that officers with U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations removed a Kazakhstani man on Oct. 23 who was previously convicted for concealing criminal evidence for one of the Boston Marathon bombers. Dias Muratovich Kadyrbayev, 24, a citizen of Kazakhstan, was convicted June 2, 2015 of conspiracy to obstruct justice and obstruction of justice for removing and disposing of incriminatory items from Dzhokhar Tsarnaev's dorm room. Tsarnaev was later convicted and sentenced to death for his role in the Boston Marathon bombing that killed three innocent bystanders and subsequently two police officers.

Additional reporting: [FOX 43](#) [11/1/2018 9:08 PM, Staff, 22K, PA]

**[TX] ICE deports El Salvador national wanted for aggravated homicide**

[FOX San Antonio](#) [11/1/2018 10:13 PM, Gerald Tracy, 7K, TX] reports Ignacio Leonel Campos-Chamagua, 19, was deported back to El Salvador Thursday. The man was wanted in the country for aggravated homicide, a report from ICE says. Campos-Chamagua is the subject for two alleged 2017 murders and other crimes. In November 2017, he and another were arrested in a home for the death of a Salvadoran police officer and his daughter. He's also facing charges in relation to possession of a firearm, which he had at the time of his arrest. "Identifying and removing foreign fugitives from the United States is an ICE priority," said Daniel Bible, field office director of ERO San Antonio. "The cooperation between the United States and Salvadoran governments resulted in this foreign fugitive being safely returned to his home country where he will stand trial for his alleged crimes." He was first found by immigration officials near the Rio Grande Valley in January after illegally crossing the border into the United States.

**[ID] African man has emotional last visit with his Pocatello family before likely deportation**

[Idaho Press](#) [11/1/2018 6:34 PM, Shelbie Harris, ID] reports an African man who has lived in Pocatello for longer than a decade and is facing likely deportation from the United States saw his American family for what could be the last time on Sunday. U.S. Immigration and Customs Enforcement officials have plans to remove Chakanetsa Christopher Matimba to his native Zimbabwe on Tuesday unless the federal Board of Immigration Appeals in Virginia grants a request to postpone his deportation, according to Matimba's wife, Deon Matimba. Christopher's Boise-based attorney, Chris Christensen, has exhausted all options to try and prevent the removal of his client. Christensen in August appealed the original order of removal issued in 2007 and filed an emergency stay request, or a document that asks ICE to postpone Christopher's removal from the country. Christensen told the Journal on Monday that he was told it could take the Board of Immigration Appeals anywhere from

four months to a year to rule on the appeal since the date it was filed, adding that the emergency stay request would not be heard unless Christopher's deportation was "imminent," or occurring within the next five days.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Monday, Nov. 5, 2018**

## **Executive Office for Immigration Review**

Don't send troops to the border. Send judges. .... 4

Facts not fear: Here's what DOJ stats say about asylum seekers and court dates..... 4

100+ immigrants waited in line in 10 cities for court dates that didn't exist..... 5

Feds blame 'minor logistical errors' for immigration court confusion..... 5

Teresa's Horror! Judge Denies Joe Giudice Re-Entry Waiver Request Amid Deportation..... 6

[NM] 'Vaya con Dios:' the impossible life of an immigration judge at the US border..... 6

## **Policy and Legislative News**

Remarks by President Trump on the Illegal Immigration Crisis and Border Security ..... 6

White House Amps Up Fearmongering: Now It Says There's 'A Daily Caravan'. 7

Fact Check: Migrants Are Not Overwhelming The Southwest Border.. 7

Most of leading migrant caravan heads for Mexico City.....7

The caravan on the road in Mexico is the size of a small town. But it's a town under pressure. ....8

Will caravans become 'new method' of migration? .....9

'We are not killers:' Migrants in caravan respond to Trump .....9

Common Sense on the Caravan ..... 10

As Caravan Advances, Pentagon Prepares to Use Two Bases for Migrant Detention ..... 10

Homeland Security chief defends Trump's plan to send troops to border 11

DHS chief: Majority of migrants traveling to U.S. are 'victims of violence' ..... 11

Why Are People Fleeing Central America? A New Breed of Gangs Is Taking Over..... 11

More Than 8,000 US Troops Deployed to Southern Border ..... 12

Pentagon denied White House request for troops to perform law enforcement services at border: report ..... 13

Troops Deploy to Parts of Border Where Migrant Caravans Are Deemed Most Likely to Go .....	13
Trump reverses claim that U.S. would shoot rock-throwing migrants .....	14
Former generals worry that Trump's border mission uses troops as a political tool .....	14
Tillis: Trump 'is right' to put troops on the Southern border .....	15
5 reasons to be concerned about deploying U.S. troops along the southern border .....	15
U.S. militia groups head to border, stirred by Trump's call to arms .....	15
An 'invasion of illegal aliens': The oldest immigration fear-mongering metaphor in America .....	16
Kasich: 'There is no imminent invasion' .....	16
Trump weaponizes immigration frenzy with killings, but crime data aren't on his side .....	16
How Immigration Policy Might Decide The Election .....	17
Newt Gingrich: Stop the caravan and build the wall to keep deadly drugs out and save lives .....	17
Trump Wants to Make it Hard to Get Asylum. Other Countries Feel the Same .....	17
Asylum changes, tent cities Trump has pledged may run into hurdles .....	18
Can Trump stop asylum seekers? .....	18
Forcing asylum seekers to choose between indefinite detention and family separation is cruel .....	19
Trump Administration's Limits on Asylum for Domestic Violence Put Guatemalan Women in Peril .....	19
What Asylum Means for the U.S. and the Central American Migrants Who Want It .....	20

To be clear: Seeking asylum at the border is not illegal .....	20
Trump's tent cities are an enormous waste of money. There are better options. ....	20
Nonprofits Struggle To House Migrant Families Released By ICE .....	21
Trump administration must face claims by immigrant children .....	21
Trump's attack on birthright citizenship .....	21
Why the president shouldn't mess with birthright citizenship .....	22
Amid Trump's birthright talk, a steep drop in the number of babies born to undocumented parents .....	22
Ways to crack down on 'birth tourism' without touching the 14th Amendment .....	22
C-SPAN Poll: How Americans Feel About Birthright Citizenship Might Shock You .....	23
Democrats haven't abolished ICE, just their message about it .....	23
Iraq may not welcome U.S. deportees, contrary to court arguments .....	23
[NY] ICE Arrests At New York City Courthouses Are Increasing — This Video Captures One .....	24
[NJ] Activists protest Essex County contract with ICE to hold immigrants at jail .....	24
[FL] U.S. Spends \$500,000 Per Day for Homestead Child-Migrant Camp .....	24
[FL] Miami is a case study of birthright citizenship abuse .....	25
[TX] Border Wall Construction to Begin in Texas .....	25
[TX] Texas communities scramble to help Central American migrants .....	25
[TX] Commentary: Central American Asylum Seekers Find Help In San Antonio .....	26

[TX] Migrants camped at border worry caravans will shut them out.....	26
[AZ] Family Releases Continue In Arizona As Trump Promises Tent Cities For Migrants.....	26
[NV] Refugee from Iraq Accused of Making Two Bombs in Las Vegas for Attack.....	27
[OR] Sanctuary state: Another look at Measure 105.....	27
[OR] Immigration agency: Jail freed man later charged with murder .....	27
[CA] Asylum Seekers Dropped on Local Streets With Nowhere to Go .....	28
[CA] First Section of Border Fence Between California and Mexico Completed .....	28
[CA] 1,100 Camp Pendleton Marines to Assist Border Patrol.....	29
<b>Legal News</b>	
Migrant caravan members sue Trump over proposed border policies.....	29
Advocates Say Trump Can't Block And Detain Asylum Seekers.....	30
Trump Denying Caravan Asylum Bid, Hondurans' Suit Says .....	30
9th Circ. Upholds Removal Of H-1B Holder Over Visa Lapse .....	31
[NY] Judge rules against asylum request by woman with intellectual disability being held in Batavia.....	31
[NY] Trump's unpredictability makes it hard for immigration attorneys .....	32
[OH] Accused murderers bound over to circuit court.....	32
[TX] San Antonio Appeals Lawyer Closes Firm to Focus on Pro Bono Immigration Appeals .....	32
[MT] ACLU Sues Lincoln County .....	33
[OR] Asylum seekers detained in Oregon file federal lawsuit.....	33

## Enforcement News

ICE, Dispelling Rumors, Says It Won't Patrol Polling Places.....	33
Pop-up protesters continue to prevent violent felons from being deported .....	34
[NY] New York police: Saudi sisters spoke of harming themselves .....	34
[NJ] Man detained, handed to ICE by Rutgers police has yet to be deported	35
[NJ] Deported Child Sex Abuser Caught In NJ Returned To Prison.....	35
[TN] ICE arrest in Knoxville's El Charro family sparks social media campaign of support .....	36
[GA] Mom who has son with autism fighting against deportation .....	36
[FL] If former death row inmate Clemente Aguirre-Jarquin wins freedom, he could face uphill battle against deportation.....	36
[FL] Immigration meeting pushed back for Palm Beach restaurant manager facing deportation .....	37
[OH] Copley couple torn apart by deportation.....	37
[MI] 'Fugitive' immigrant takes refuge in Ann Arbor church: 'I don't want to do die' .....	38
[MI] Man who needs dialysis to survive given sanctuary to stay in U.S.....	38
[MI] University employee seeks refuge in Ann Arbor church to avoid deportation.....	38
[IA] Illegal Immigrant Living in Hopkinton Sentenced to Prison .....	39
[TX] Boston Marathon bomber's friend deported to Kazakhstan.....	39
[CA] 'I feel blessed': Deported Cambodian refugee from Sacramento returns home to family.....	39

## **Executive Office for Immigration Review**

### **Don't send troops to the border. Send judges.**

[Washington Post](#) [11/2/2018 6:46 PM, Editorial Board, 11653K] reports that President Trump has based his midterm election campaign on the specter of an "invasion" by immigrants marching from Central America to the southern border. His demagoguery is disgusting and irresponsible. But there is a real problem of migrants — one that his administration is failing to address. Many people are crossing the border with their children and applying for asylum, overwhelming existing mechanisms for dealing with asylum seekers. They are feeding what the president calls a "catch-and-release" revolving door for migrants freed as they await hearings to adjudicate their cases, and contributing to a backlog of some 750,000 cases in immigration courts.

A rational response would be to add substantially to the approximately 350 immigration judges, who cannot handle the tens of thousands of asylum claims flooding the immigration courts annually. The administration this year hired a few dozen new judges, a fraction of what is required. As the caseload has more than quadrupled since 2006, the number of judges has not even doubled, according to congressional testimony in April by Judge A. Ashley Tabaddor, president of the National Association of Immigration Judges. Despite that, Mr. Trump has sneered at the idea of hiring more, even after aides pressed him to do so. "Who are these people?" he raged, before suggesting darkly that adding many new judges would somehow corrupt the system. "Now can you imagine the graft that must take place?" he said. Granted, the hiring could be challenging, in vetting and cost. But any major challenge involves scaling up resources and personnel, and it's hard to see why that's beyond the government's capabilities.

### **Facts not fear: Here's what DOJ stats say about asylum seekers and court dates**

[Washington Examiner](#) [11/2/2018 2:52 PM, Erin Dunne, 567K, DC] reports that on Thursday, President Trump gave a lengthy speech at the White House on his favorite pre-election theme: immigration. He called the migrant caravan a "crisis at our southern border" and promised an executive order to restrict those seeking asylum in the U.S. Part of his argument against those claiming asylum is, in the president's words, "They never show up at the trials. They never come back, they're never seen again." But for the most part, that's not true — and data from the Justice Department show it. DOJ publishes statistical reviews of its actions, including those on immigration. Instead of just taking the word of politicians, anyone who wants to can engage in that democratic exercise of taking advantage of government transparency can look up the numbers themselves. What do statistics published by the DOJ Executive Office for Immigration Review have to say on how many asylum seekers show up for trials?

In 2017, the vast majority, 89 percent, of those claiming asylum showed up for their trials, meaning that decisions were not made "in absentia." In 2016, 91 percent showed up, and in 2015, 93 percent of asylum decisions were not made in absentia, meaning that the asylum seeker was present. Those numbers are clear. In the report there's even a helpful chart showing that most of the people applying for asylum come to their court dates. Despite Trump's words, asylum seekers are most often seen again and they make it a priority to follow the laws and appear for their hearing.

Reported similarly: [ThinkProgress](#) [11/2/2018 10:49 AM, Rebekah Entralgo, 480K, DC]

### **100+ immigrants waited in line in 10 cities for court dates that didn't exist**

[CNN](#) [11/2/2018 4:52 PM, Catherine E. Shoichet] reports lines snaked around the block outside immigration courts across the United States on Wednesday. But many people standing in them later learned they had no reason to be there. More than 100 immigrants showed up to court carrying paperwork ordering them to appear before a judge, only to find out that their court dates hadn't actually been scheduled, according to the American Immigration Lawyers Association (AILA). And as a result, uncharacteristically long lines were reported outside at least 10 immigration courts, the association said. Lawyers told CNN it's part of a troubling trend that shows how dysfunctional the system has become and how chaotic the Trump administration's approach to immigration enforcement can be. "From a humanitarian point of view, it's sickening what you're seeing happening here, because they're toying with these individuals' lives in many cases. ... This is widespread, it's national and it's outrageous," said Jeremy McKinney, AILA's treasurer and an immigration attorney in North Carolina. Attorneys say the practice began after the US Supreme Court ruled in June that notices to appear -- the charging documents that immigration authorities issue to send someone to immigration court who's accused of being in the United States illegally -- must specify the time and place of proceedings in order to be valid.

Since then, immigration lawyers across the country have reported that officials are increasingly issuing such notices with so-called "fake dates," ordering immigrants to appear at hearings that, it later turns out, were never scheduled in immigration courts. In recent months, lawyers have reported examples of notices issued for nonexistent dates, such as September 31st, and for times of day when courts aren't open, such as midnight. On Wednesday, US Citizenship and Immigration Services spokesman Daniel Hetlage said initial dates on notices issued by his agency and Immigration and Customs Enforcement are "based on guidance on upcoming docket dates from local EOIR, an agency within the US Department of Justice responsible for administering the immigration courts." In a joint statement released Friday, the Department of Homeland Security and Department of Justice said the confusion was a result of "minor logistical errors." "The Department of Homeland Security and the Department of Justice are working through minor logistical errors that resulted in a number of individuals appearing for immigration court hearings that were not docketed in accordance with regulatory requirements," the statement said. "These errors will be resolved and will not prevent these cases from being docketed properly in a timely fashion." [Editorial note: This story has been updated to include a joint statement from the Department of Homeland Security and the Department of Justice.]

### **Feds blame 'minor logistical errors' for immigration court confusion**

[SCPR - 89.3 KPCC](#) [11/2/2018 8:59 PM, Leslie Berestein Rojas, 47K, CA] reports that the nation's immigration courts are already dealing with a serious backlog of more than 760,000 pending cases. But things got even messier this week in Los Angeles and other cities, after people were issued notices to appear in court for a date on which they did not have a scheduled hearing. Homeland Security and the Justice Department say they are working through what they called "minor logistical errors" but did not explain what led to the problem. The agencies did say the issue would be resolved, and the cases properly scheduled. According to media reports, long lines were reported at least 10 immigration courts around the country. [Editorial note: consult source link for audio]



## **Teresa's Horror! Judge Denies Joe Giudice Re-Entry Waiver Request Amid Deportation**

[Radar](#) [11/2/2018 9:00 AM, Mary Jacob and Gina Bacchiocchi, 218K] reports that according to Department of Justice documents exclusively obtained by Radar, the immigration judge has ruled that Real Housewives of New Jersey hubby is "ineligible" to apply for re-entry into the United States when deported. Judge John Ellington of the York County Immigration Court in Pennsylvania explained in his 13 page written decision that Joe's re-admission status into the country was determined once he committed "aggravated felonies" as a permanent resident in the country. "Because Respondent was admitted to the United States as a lawful permanent resident and he subsequently committed an aggravated felony, the Court finds that Respondent is ineligible for an INA 212 waiver," Judge Ellington wrote.

## **[NM] 'Vaya con Dios:' the impossible life of an immigration judge at the US border**

[The Guardian](#) [11/3/2018 5:00 PM, Art Cullen, UK] reports climbing the shallow gray stone steps leading to the borderlands of justice in Las Cruces, New Mexico, you see something in the arid morning sun gleaming between the glass. It looks like a miniature Washington Monument on the first landing of the 10th district federal courthouse. Closer inspection reveals it represents a border crossing marker, half white Italian marble and half Mexican honey onyx, the union of two places where cultures flow as one not far from the Rio Grande. Up above on the fourth floor in the Guadalupe courtroom the cultures are torn asunder along with consciences as all rise at 9am sharp on Tuesday for US district court judge Robert Brack entering through a back door to his bench. Facing him below along the benchrail are 13 unlucky men, ages 20 to 30, in shackles and chains and wearing jail suits of different colors from the counties that rent space to the federal marshal. They have been caught for a second time trying to enter the United States. Time was when you could try to enter 40 times and the border guards would turn you around and send you back. Not now. These young men, all fathers feeding their families, have been criminalized. Defendant Ramirez, please step to the podium. His public defender tells the story: He is 25. He is from Honduras, racked by gang and political violence. He has a wife and seven-year-old stuck in New Jersey applying for asylum. He had worked before on a cattle ranch north of the border but got deported. He came back with his family. He was charged with criminal re-entry while his wife and child remain in asylum limbo. "This is an unbearable sorrow," Brack told Ramirez. "We have had enough separation of families." That gnaws at the 65-year-old judge, who took senior status in July after hearing some 15,000 stories like those of poor Ramirez over the past 15 years. "Some days," he says in chambers, "it can just stoop you over."

## **Policy and Legislative News**

### **Remarks by President Trump on the Illegal Immigration Crisis and Border Security**

[The White House](#) [11/1/2018 4:19 PM, President Donald J. Trump, 409K, DC] reports the following are excerpts from the President's speech on border security: I would like to provide an update to the American people regarding the crisis on our southern border – and crisis it is. We've issued 40 million green cards since 1970, which means the permanent residency and a path to citizenship for many, many people. There's a limit to how many people a nation can responsibly absorb into their societies. The government of Mexico has generously offered asylum, jobs, education, and medical care for people within the caravan, but many members of the caravan have refused these offers, which demonstrate that these migrants are not legitimate asylum-seekers. No nation can allow itself to be overwhelmed

by uncontrolled masses of people rushing their border. All we know is they're pretty tough people when they can blast through the Mexican military and Mexican police. People are going to have a chance to go for asylum. If you look at the records, not very many people are allowed to stay once they go to court.

So what we're doing is something that I think the people want, and I think we're going to do very well in the election, even though history says that whoever President is – whoever the President may be, it trends the other way. But nobody has ever been President that has the greatest economy in the history of our country. This is the greatest economy in the history of our country. These are the greatest unemployment and employment numbers in the history of our country. Nobody has ever had that to campaign with. So I do.

### **White House Amps Up Fearmongering: Now It Says There's 'A Daily Caravan'**

[Huffington Post](#) [11/2/2018 1:43 PM, Andy McDonald, 9094K] reports that a day after President Donald Trump warned that migrants in a U.S.-bound caravan risk being shot if they throw rocks. White House director of strategic communications Mercedes Schlapp appeared on "Fox & Friends" Friday to drive home the president's anti-immigrant message in the days before the midterm elections. "What we're seeing right now is you're having this influx of illegal aliens," Schlapp said. "You're talking about 1,000 to 2,000 illegal aliens crossing our border daily. We're talking about a daily caravan coming into America." Despite the administration's rhetoric about undocumented immigrants flowing into the U.S. at an alarming rate, border crossings have actually been steadily declining over the past decade.

### **Fact Check: Migrants Are Not Overwhelming The Southwest Border**

[NPR](#) [11/2/2018 6:28 PM, Joel Rose] reports with days to go before the midterm elections, President Trump continues to ratchet up his rhetoric on immigration. The president's latest target is asylum-seekers, whom he accuses of exploiting "loopholes" in U.S. immigration laws. In a televised speech from the White House on Thursday, Trump threatened to close the Southwest border to asylum-seekers — including the latest group of Central American migrants making their way through Mexico — unless they present themselves at official ports of entry. But refugee and asylum experts say his plan would violate U.S. law. They say the president's remarks about asylum were riddled with inaccuracies and misleading statements intended to stoke fear of immigrants and drive the president's supporters to the polls. [Editorial note: consult source link for audio]

Reported similarly: [NPR](#) [11/2/2018 4:16 PM, Joel Rose]

### **Most of leading migrant caravan heads for Mexico City**

[Washington Post](#) [11/4/2018 4:47 PM, Sonia Perez D.] reports that thousands of bone-tired Central Americans set their sights on Mexico City on Sunday, after undertaking a grueling journey through a part of Mexico that has been particularly treacherous for migrants seeking to get to the United States. The majority of the roughly 4,000 migrants streamed into the town of Cordoba in the Gulf coast state of Veracruz, a gateway to the central part of the country 124 miles from their previous stop. The day's trek was one of the longest yet, as the exhausted migrants tried to make progress walking and hitching rides toward the U.S. border still hundreds of miles away. It is unclear what part of the U.S. border they will aim for eventually, but their latest overnight stay in Veracruz could be one of their last before they head to Mexico City, a potential launching spot for a broader array of destinations. In the capital, they may also receive additional support, although Mexican officials have

appeared conflicted over whether to help or hinder their journey.

[ABC News](#) [11/3/2018 6:38 PM, Associated Press] reports that members of the 4,000-strong caravan of Central American migrants winding their way toward the U.S. border lambasted Mexican officials for directing them northward through the Gulf Coast state of Veracruz, calling it "the route of death." The group said in a statement that some migrants branched off on their own Saturday in the belief that they were near the metropolises of Puebla and Mexico City, where they aimed to rest and receive medical attention after three weeks on the road. A trek via the sugar fields and fruit groves of Veracruz takes the travelers through a state where hundreds of migrants have disappeared in recent years, falling prey to kidnappers looking for ransom payments. Authorities in Veracruz said in September they had discovered remains from at least 174 people buried in clandestine graves. Some security experts have questioned whether those bodies belonged to migrants. Veracruz Gov. Miguel Angel Yunes reneged on a Friday offer to provide buses to leapfrog the migrants to the Mexican capital or some other destination.

The [Washington Examiner](#) [11/2/2018 7:39 PM, Anna Giaritelli, 567K, DC] reports that nearly 3,000 migrants who had been a part of caravans moving from Central America to the United States' southern border have abandoned the group to either stay in Mexico or return to their home countries in Central America, according to Mexican government officials. Mexico's Interior and Foreign Ministries reported, as of Thursday, 2,934 people originally traveling to the U.S. have stopped and applied for asylum in Mexico. Of those, 927 have canceled their asylum claim with the Mexican government and returned to Guatemala and Honduras, where the caravans originated, according to a government news release. The two Mexican departments said federal police and immigration officers are helping transport those who chose to return home. For the estimated 2,000 people who remain in Mexico as they wait over the next 45 to 90 days to learn if their asylum requests have been granted, 1,553 have been put up in shelters in the southern state of Chiapas. Mexico's Commission for Refugee Aid is overseeing the application process and fielding all requests for asylum, not the U.N. Another 478 people are in three shelters being overseen by the United Nations High Commissioner for Refugees.

Additional reporting:

[Washington Post](#) [11/5/2018 4:54 AM, Sonia Perez D. and Mark Stevenson]

[Washington Post](#) [11/3/2018 4:46 PM, Sonia Perez D.]

[Los Angeles Times](#) [11/3/2018 2:40 PM, Patrick J. McDonnell, 3575K]

[The Hill](#) [11/4/2018 11:46 AM, Megan Keller]

[USA Today](#) [11/3/2018 12:37 AM, David Agren]

[Daily Wire](#) [11/4/2018 12:44 PM, Emily Zanotti]

[Houston Chronicle](#) [11/2/2018 8:31 PM, Julie Watson, 3350K, TX]

[Dallas Morning News](#) [11/4/2018 3:00 AM, Rob Curran and Andrew Nelson, 661K, TX]

[Dallas Morning News](#) [11/4/2018 3:00 AM, Rob Curran and Andrew Nelson, 661K, TX]

**The caravan on the road in Mexico is the size of a small town. But it's a town under pressure.**

[Washington Post](#) [11/5/2018 5:00 AM, Maria Sacchetti] reports they fall asleep on borrowed blankets, curled up on a floor someone has loaned for the night. They share meals of chicken soup and tortillas. They wash laundry in rivers or sinks, and when they fall sick after more than 20 days on the road, the people in the migrant caravan turn to the nuns trailing them with medicines and bandages. With 4,000 to 5,000 people, the first and largest group

trudging slowly to the U.S. border is bigger than some of the municipalities it has descended on in Mexico, doubling their population overnight. They are fleeting guests, a gathering bound by a single goal: seeking asylum or work in the United States. "It's practically a walking town," said Edgar Corzo Sosa, a national human rights official in Mexico monitoring the caravan. As he spoke this weekend, the group was traveling through the southern state of Veracruz, several hundred miles southeast of Mexico City. Like any town, the caravan has had its share of milestones and tragedies. Babies have been born, one man died after falling from a crowded truck, and several women have had miscarriages, according to Mexico's Red Cross and rights officials. The migrants rise together at dawn, travel in clumps of families or friends from the same hometowns and hold nightly assemblies to decide where to go next.

[USA Today](#) [11/4/2018 4:54 PM, David Agren] reports thousands of migrants set out early on Sunday from this city of pineapple farms in the Gulf Coast state of Veracruz, but signs of division and frustration are emerging as the large group tries to get to the U.S.-Mexico border in the face of opposition from President Donald Trump. Debate over how far to travel each day is among the issues that divide caravan migrants who are still frustrated on being misled over the weekend by promises of buses being provided to take them to Mexico City. On Sunday, many migrants hesitated upon hitting the main highway, which transits an area rife with organized crime activities. Caravans have become attractive for migrants attempting to transit Mexico safely.

Disunity surfaced on Saturday as the caravan splintered with more than half the group showing haste to reach the U.S. border, even if it meant going alone and abandoning the watchful eye of human rights observers and international organizations. The presence of such organizations is viewed as preventing crimes such as kidnap, rape and extortion from being committed against the large group of migrants.

### **Will caravans become 'new method' of migration?**

[Washington Post](#) [11/2/2018 1:40 PM, Anna-Catherine Brigida] reports that a group which left San Salvador on Wednesday became part of at least the fourth Central American caravan to form since mid-October, when one left San Pedro Sula in Honduras and headed north. Caravans were once used sparingly to spotlight a particular problem. A group of Central American mothers, for example, has traveled through Mexico each year for 14 years searching for their sons and daughters who disappeared on the migrant trail. The Mesoamerican Caravan for a Good Life has organized migrant caravans for years, including one in March that gained international attention. But experts now predict that caravan-style treks could become a more frequent scene along the decades-old migration routes from the region. President Trump has reacted with combative and unsubstantiated claims that the migrants – including many families and children – pose a threat that requires military mobilization at the southern border.

### **'We are not killers:' Migrants in caravan respond to Trump**

[Washington Post](#) [11/3/2018 7:15 AM, Sonia Perez D.] reports as President Donald Trump ramped up his anti-migrant rhetoric ahead of Tuesday's midterm elections, exhausted Central Americans walking across Mexico in hopes of reaching the United States said they were mostly perplexed and turned off by his threats, which they perceive as exaggerated. The U.S. president has spent the final days of the campaign hammering the issue as he tries to energize Republican voters, and his favorite target has been the migrant caravan of

almost 4,000 people that is still more than 800 miles away from the nearest U.S. border. Three smaller ones are following behind it. Trump's recent statements include that he plans to sign an order that could lead to the detention of migrants crossing the southern border, and barring anyone caught crossing illegally from claiming asylum. Both propositions are legally dubious. Trump also said he had told the U.S. military mobilizing at the southwest border that if U.S. troops face rock-throwing migrants, they should react as though the rocks were "rifles." In June, U.S. Attorney General Jeff Sessions said that domestic and gang violence would generally no longer be accepted as reasons for migrants to be granted asylum. Trump has said this week that those in the caravan would not get asylum — though U.S. law allows them the right to apply — and warned them to turn around.

### **Common Sense on the Caravan**

[New York Times](#) [11/2/2018 12:13 AM, Editorial Board, 22322K] reports the caravan of people slowly making their way on blistered feet and thin hopes toward America's southern border sometimes seems like an election gift to President Trump, giving him fresh meat to throw to his base on the eve of fateful midterm elections. The Central Americans, estimated at about 3,500 people, many of them women and children, have morphed in the president's immigrant-bashing demagoguery into an "onslaught of illegal aliens" concealing "criminals and unknown Middle Easterners," all enabled by Democrats and, Mr. Trump "wouldn't be surprised," by George Soros, a favorite villain of far-right conspiracy-mongers. Mr. Trump is not sitting back and letting the barbarians in. He has ordered the Army — which is barred by law from performing police functions within the United States — to bolster the frontier, saying he will authorize soldiers to shoot if the trekkers start throwing rocks "viciously and violently." "This is an invasion of our Country and our Military is waiting for you!" tweeted Mr. Trump on Monday. Mr. Trump, perhaps counseled by someone who understands the military's longstanding rules of engagement, dialed back the threat a bit on Friday. "They won't have to fire," he told reporters. "What I don't want is I don't want these people throwing rocks."

### **As Caravan Advances, Pentagon Prepares to Use Two Bases for Migrant Detention**

[Daily Beast](#) [11/2/2018 1:53 PM, Spencer Ackerman, 2272K, NY] reports the Pentagon expects to soon receive a long-delayed formal request from the Department of Homeland Security to host detention facilities for thousands of migrant families, The Daily Beast has learned. Discussions are ongoing between the two departments, already collaborating with each other on a massive military mobilization at the southern border, officials said. It's an effort that has prompted outrage and fears of troops firing on unarmed asylum seekers. Under discussion are the terms under which two military bases in Texas, the Army's Fort Bliss and Goodfellow Air Force Base, will become detention sites for thousands of families. The request is said to be imminent. But at the Pentagon, a spokesman, Navy Capt. Bill Speaks, said, "We've still not received a request" from DHS. It is expected that Defense Secretary Jim Mattis will approve the request, as Mattis this week approved the deployment of 7,000 active and reserve troops to the U.S.-Mexico border—a force compared to what's currently in Iraq and Syria. In keeping with a plan that has been under discussion since the spring, the military would provide the space for the detention camps, but DHS would be in charge of conducting actual detention operations. If approved, the plan would represent concrete implementation of what President Trump on Thursday called without detail the end of "catch and release," an inflammatory and misleading depiction of immigrants' legal rights to adjudicate their status in immigration courts.



### **Homeland Security chief defends Trump's plan to send troops to border**

[Yahoo!](#) [11/2/2018 4:05 PM, Amanda Holpuch] reports that Homeland Security secretary, Kirstjen Nielsen, defended the militarization of the U.S. border on Friday. At a meeting hosted by the Council on Foreign Relations in New York, Nielsen was asked repeatedly about how her immigration enforcement agencies would carry out the potentially unconstitutional plans Trump outlined without detail, including a suggestion that soldiers would fire at people throwing rocks near the U.S.-Mexico border. Her responses, while more articulate than the president's, perpetuated the administration's fear-mongering narrative about immigration and specifically targeted the caravan heading to the border from Honduras that has become a political pawn ahead of the midterm elections.

"The challenge with the caravan is it's a very amorphous concept, you don't get a ticket to the caravan, it's not a membership program," Nielsen said. To explain why the government might send 15,000 troops to the border, instead of relying on existing homeland security department resources, Nielsen said if the caravan members took trains or buses, they could be at the border in days – and if they continued on foot, it could be at least a month until they arrive. "No, we do not have the capacity, capability to address that type of flow," she said. When asked whether she agreed with the president's claim that an "invasion" was coming north, Nielsen described "second and third" waves of people migrating to Mexico, claiming they have been violent. "By the time we're talking about Molotov cocktails and use of firearms, it's my duty to make sure our officers and agents are secure," she said.

### **DHS chief: Majority of migrants traveling to U.S. are 'victims of violence'**

[The Hill](#) [11/2/2018 9:34 AM, Jacqueline Thomsen, 2630K] reports Homeland Security Secretary Kirstjen Nielsen said Friday that the majority of migrants traveling to the U.S. are victims of violence. Nielsen's remarks stood out compared to comments from President Trump, who in recent days has cast migrant caravans as representing a security threat. Speaking at a Council of Foreign Relations event, the Homeland Security secretary noted that the journey to the U.S. is "tremendously difficult and dangerous." "We have about 30 percent of women who take that journey are sexually abused, 17 percent of men," she said. "Seventy percent of the migrants are victims of violence." Still, Nielsen acknowledged that individuals posing a danger to the U.S. are in the caravan of Central American asylum seekers inching toward the distant U.S. border. DHS published a fact sheet Thursday labeling the caravan as a "unique safety threat" and stating that a "number of violent criminals" are along the caravan route. The secretary also said Friday that she has asked the United Nations High Commissioner for Refugees to help make it possible for other countries to be able to accept the migrants as asylum seekers. "Let's expand the asylum capacity through the region so we can help them as soon as possible on that journey, so they're not forced to make decisions like using a smuggler, using a trafficker, sending kids alone to the border," Nielsen said.

### **Why Are People Fleeing Central America? A New Breed of Gangs Is Taking Over.**

[Wall Street Journal](#) [11/2/2018 10:07 AM, Robbie Whelan] reports that the Congress of El Salvador agreed in April to extend the authority of jailers to keep gang leaders in solitary confinement. Over the next five days, the two reigning street gangs killed more than 100 people. With the highest homicide rate of all countries in the world, El Salvador is a nation held hostage. Law-enforcement officials estimate that one gang, MS-13, operates an extortion racket with little pressure from authorities in 248 of the 262 of the country's municipalities. It battles for neighborhood control with another gang, Barrio 18, which runs

its own protection scheme in nearly as many regions. Politicians must ask permission of gangs to hold rallies or canvass in many neighborhoods, law-enforcement officials and prosecutors said. In San Salvador, the nation's capital, gangs control the local distribution of consumer products, experts said, including diapers and Coca-Cola . They extort commuters, call-center employees, and restaurant and store owners. In the rural east, gangs threaten to burn sugar plantations unless farmers pay up. They have grown so pervasive that "you don't know where the state ends and the criminal organizations begin," said Mauricio Ramírez Landaverde, El Salvador's minister of justice and security, who oversees the national police force.

Latin America accounts for 8% of the world's population and a third of its homicides, which makes it one of the world's most murderous regions. At its violent core is El Salvador, where an imported American gang culture rivals government authority, and its leaders hold sway with a surplus of money, guns and willing young men. The plight of Salvadorans is one explanation for the steady stream of migrants north. Thousands seek to enter the U.S. each year, either by petitioning for asylum or by crossing the border illegally. Researchers found most are propelled by fear of violence. Mexico and U.S. immigration officers apprehended 335,545 Salvadoran migrants from 2014 to the end of 2017, according to government data.

[Breitbart](#) [11/2/2018 12:24 PM, Bob Price, 2405K] reports Department of Homeland Security officials report that nearly 300 members of the migrant caravans en route to the U.S. at this time are either convicted criminals or known gang members. The criminals include individuals with convictions for sexual assault on a child, aggravated assault with a deadly weapon, armed robbery, and assault on a female, officials reported. In an effort to lay out the facts about the migrant caravans approaching the U.S. from Central America, DHS officials reported that more than 270 people traveling along the caravan route have criminal histories or are known to be members of violent gangs. DHS stated: "We continue to be concerned about individuals along the caravan route. Over 270 individuals along the caravan route have criminal histories, including known gang membership. Those include a number of violent criminals – examples include aggravated assault with a deadly weapon, armed robbery, sexual assault on a child, and assault on a female. Mexican officials have also publicly stated that criminal groups have infiltrated the caravan. We also continue to see individuals from over 20 countries in this flow from countries such as Somalia, India, Haiti, Afghanistan, and Bangladesh. There is a large segment of this population that we know nothing about and we must be prepared to defend our border and enforce our laws to protect the citizens of our country." The Mexican ambassador to the United States described some of the caravan migrants as "very violent," DHS officials stated. "Unfortunately, some of the people in the caravan have been very violent against authority, even though they have offered the possibility of entering in compliance with immigration law and refugee status," the ambassador said.

### **More Than 8,000 US Troops Deployed to Southern Border**

[VOA News](#) [11/2/2018 5:49 PM, Patsy Widakuswara and Jeff Seldin, DC] reports the number of U.S. troops deploying to the U.S. southern border has increased to more than 8,000, two U.S. defense officials told VOA Friday. President Donald Trump ordered the troops to keep a caravan of asylum-seeking migrants from Central America from entering the U.S. The officials described the active duty troops as "deployed, deploying, or identified to deploy" to help with border security in response to a request for help from the Department of Homeland Security. "We just have a capacity issue," Homeland Security

Secretary Kirstjen Nielsen said in explaining the need for the troops. "What we've asked the [Department of Defense] to do is to support us." Another 2,100 National Guard troops are already deployed along the southern border. Altogether, there are now more U.S. troops assisting border patrol agents than there are fighting terror groups in Iraq and Syria. Speaking to reporters at the White House before leaving for another campaign-style rally in Huntington, West Virginia, to drum up support for Republican Senate contender Patrick Morrisey, Trump said Friday that troops would not shoot at migrants who had thrown rocks at them. "I didn't say shoot. I didn't say shoot. But they do that with us, they're going to be arrested for a long time," Trump said.

### **Pentagon denied White House request for troops to perform law enforcement services at border: report**

[The Hill](#) [11/2/2018 6:07 PM, John Bowden, 2630K] reports that the Pentagon rejected a request from the White House last month to allow U.S. troops to perform emergency law enforcement tasks along the U.S.-Mexico border, CNN reported on Friday. Two unnamed Defense Department officials familiar with the request told CNN that the White House requested a reserve force authorized to provide "crowd and traffic control" to areas along the border and to protect Border Patrol personnel ahead of the arrival of thousands of migrants preparing to apply for asylum in the U.S. But on Oct. 26, the Pentagon rejected the request, according to CNN, because the Defense Department felt that the tasks fell outside the scope of active duty soldiers' authority.

Reported similarly: [CNN](#) [11/2/2018 11:35 PM, Ryan Browne and Nicole Gaouette]

### **Troops Deploy to Parts of Border Where Migrant Caravans Are Deemed Most Likely to Go**

[Wall Street Journal](#) [11/2/2018 8:00 PM, Nancy A. Youssef and Alicia A. Caldwell] reports that more than 3,500 U.S. troops have been deployed near three areas along the U.S.-Mexican border where U.S. officials have assessed migrants and asylum seekers from Central America are most likely to try to enter the country in coming weeks. Troops are in place around McAllen and Brownsville, in Texas' Rio Grande Valley; San Ysidro, Calif., south of San Diego; and Nogales, Ariz., U.S. officials said. No troops are deployed at any of the dozens of ports of entry between the two countries. Instead, they are in nearby staging areas, the officials said. However, at least 100 troops, mostly engineers, began positioning closer to entry ports at McAllen on Friday, a defense official said. More are expected to arrive over the weekend. As of Friday evening, there were 2,250 troops in Texas, 1,100 in California and about 170 in Arizona. Members of migrant caravans, which are more than 800 miles from the nearest crossing and traveling by foot, are likely to choose one of those areas to try to enter the U.S. because they are the safer and easier options, given their current course, the officials said. The troops are the first to arrive of more than 7,000 active-duty personnel that the Department of Defense said would provide support for U.S. Customs and Border Protection officers along the border.

[FOX 5 DC](#) [11/4/2018 5:38 AM, Staff, DC] reports this weekend, U.S. troops continued to work along the border with Mexico, ostensibly to protect the United States from what President Trump has called an illegal immigrant invasion. The deployment is being called "Operation Faithful Patriot." The troops laid concertina wire ("barbed wire") along the border near Hidalgo, Texas. On Saturday, President Trump told a rally in Belgrade, Montana, that "barbed wire, used properly, can be a beautiful sight." Trump has said of the immigrant

caravan, among other things, "It's like an invasion. They have violently overrun the Mexican border." As of this writing, the immigrant caravan is still hundreds of miles away. A military assessment published by the Washington Post reports that Army officials believe only 20% of the 7,000 or so migrants will make it to the United States.

Additional reporting:

[NBC News](#) [11/3/2018 9:46 PM, Gabe Gutierrez, 3539K]

[BuzzFeed](#) [11/4/2018 8:21 PM, Vera Bergengruen, 8149K]

[FOX 10 Phoenix](#) [11/3/2018 5:48 PM, Staff, 43K, AZ]

### **Trump reverses claim that U.S. would shoot rock-throwing migrants**

[CNN](#) [11/2/2018 3:52 PM, Maegan Vazquez, 25865K] reports that President Donald Trump on Friday attempted to clarify what he said the day before, when he claimed rocks thrown by migrants crossing into the United States would be considered the same as gunfire. "They won't have to fire," Trump said, referring to the military's response to the hypothetical rock throwing. "What I don't want is I don't want people throwing rocks. It's turned out, in fact, it was just announced by (the Department of) Homeland Security, you have in just certain areas over 300 people that they know are trouble. What they did to Mexican military is disgrace."

"They were throwing rocks in their face. They do that with us, they're going to be arrested. There's going to be a problem. I didn't say shoot," he said. "They do that with us they're going to be arrested for a very long time." "If our soldiers or Border Patrol or ICE are going to be hit in the face with rocks, we're going to arrest those people. That doesn't mean shoot them. But we're going to arrest those people quickly and for a long time," Trump added. [Editorial note: consult source link for video]

Additional reporting:

[Reuters](#) [11/2/2018 8:41 PM, Makini Brice and Roberta Rampton, 4724K]

[The Daily Caller](#) [11/2/2018 3:14 PM, Saagar Enjeti, 909K, DC]

[Washington Examiner](#) [11/2/2018 7:01 AM, Jamie McIntyre and Travis J. Tritten, 567K, DC]

[WDEF 12 Chattanooga](#) [11/2/2018 4:47 PM, Staff, 12K, TN]

[AZ Central](#) [11/2/2018 6:47 PM, Rafael Carranza, 669K, AZ]

### **Former generals worry that Trump's border mission uses troops as a political tool**

[Washington Post](#) [11/2/2018 11:32 PM, Greg Jaffe and Dan Lamothe, 11653K] reports that President Trump's decision to send as many as 15,000 troops to the southern border has drawn sharp and unusual criticism from former military leaders, who have called the deployment "wasteful" and raised worries that the president might be using the military as a political tool to influence the midterm elections just days away. "The military has all of a sudden been placed in a highly politicized environment regarding immigration," retired Lt. Gen. David Barno, who commanded U.S. forces in Afghanistan, said of the surge of troops to the border. The blunt criticism of the mission to block what Trump contends is a threatening caravan of migrants encouraged by Democrats reflects the strain that his unusual presidency has put on one of America's most important norms: the tradition of an apolitical military. Other presidents have deployed forces to the border. But the timing of this deployment and the questionable need for it, with the caravan at least a month away from the border with Mexico and diminishing in size, have led many former military officers to deliver their harshest criticisms yet of Trump.

Additional reporting:

[Washington Post](#) [11/2/2018 10:21 AM, John Wagner, 11653K]

[Washington Post](#) [11/2/2018 6:58 PM, Jon D. Michaels and Jeffrey H. Smith, 11653K]

[Los Angeles Times](#) [11/2/2018 2:55 PM, David S. Cloud, 3575K]

[Newsweek](#) [11/2/2018 7:25 AM, James LaPorta, Nicole Goodkind and Chantal Da Silva]

### **Tillis: Trump 'is right' to put troops on the Southern border**

[Politico](#) [11/4/2018 10:23 AM, David Beavers] reports that Sen. Thom Tillis on Sunday expressed support for President Donald Trump's move to put more troops on the U.S.-Mexico border in response to an approaching caravan of Central-American migrants seeking asylum. Appearing on "Fox News Sunday," the North Carolina Republican said, "I believe that the president is right and doing everything he can to stop the illegal process." "The president is right that we have to secure the border, and I think that putting troops down there to make it very clear that we want people who have a legitimate claim to asylum to come through the process and get that asylum granted," said Tillis, the vice chairman of the National Republican Senatorial Committee. The Trump administration began sending as many as 15,000 troops to the southern border to meet a caravan of Central American asylum seekers heading toward the U.S. through Mexico.

### **5 reasons to be concerned about deploying U.S. troops along the southern border**

[Washington Post](#) [11/5/2018 6:00 AM, Alice Hunt Friend] reports the first few hundred U.S. troops arrived along the southern U.S. border on Friday, just days after President Trump's announcement that active duty forces would now join U.S. Customs and Border Protection (CBP) and National Guard units already there. On Oct. 29, the Pentagon announced that some 5,000 troops would head to the border — a move that includes "air and ground transportation and logistics support," "combat engineering battalions" and "medical support units," along with surveillance technology and expeditionary housing for CBP personnel. The U.S. government hopes, it seems, that the "show of force" will dissuade the caravan of 3,500 to 7,000 migrants marching through Central America into Mexico from attempting to cross into the United States. Critics accuse the Trump administration of "wagging the dog," using the military to concoct a threat that will galvanize Republican and swing voters days before a highly contested election — the president himself calls the midterms a "referendum" on his performance in office. Supporters contend the military presence is necessary to defend U.S. national security and sovereignty.

### **U.S. militia groups head to border, stirred by Trump's call to arms**

[Washington Post](#) [11/3/2018 6:40 PM, Mary Lee Grant and Nick Miroff, 11653K] reports that gun-carrying civilian groups and border vigilantes have heard a call to arms in President Trump's warnings about threats to American security posed by caravans of Central American migrants moving through Mexico. They're packing coolers and tents, oiling rifles and tuning up aerial drones, with plans to form caravans of their own and trail American troops to the border. "We'll observe and report, and offer aid in any way we can," said Shannon McGauley, a bail bondsman in the Dallas suburbs who is president of the Texas Minutemen. McGauley said he was preparing to head for the Rio Grande in coming days. McGauley and others have been roused by the president's call to restore order and defend the country against what Trump has called "an invasion," as thousands of Central American migrants advance slowly through southern Mexico toward the U.S. border. Trump has insisted that "unknown Middle Easterners," "very tough fighters," and large numbers of



violent criminals are traveling among the women, children and families heading north on foot. The Texas Minutemen, according to McGauley, have 100 volunteers en route to the Rio Grande who want to help stop the migrants, with more likely on the way.

Reported similarly: [Axios](#) [11/3/2018 3:00 PM, Khorri Atkinson]

### **An 'invasion of illegal aliens': The oldest immigration fear-mongering metaphor in America**

[Washington Post](#) [11/2/2018 7:10 AM, Meagan Flynn, 11653K] reports that it's one of the oldest and most persistent anti-immigration metaphors in the country's history, employed to oppose Irish Catholics, Asians, Latinos, Germans, Jews and just about everyone except white Protestants of English ancestry who now lives in America. The nation has been perpetually facing a supposed "invasion" from many stripes of immigrants, said Leo R. Chavez, a social sciences professor at the University of California, Irvine and author of "The Latino Threat: Constructing Immigrants, Citizens, and the Nation." President Trump's recent use of the "invasion" metaphor to describe the caravan of thousands of asylum-seeking Central Americans now approaching the southern border is only the latest iteration. "It's like an invasion," he said during his remarks about the caravan Thursday. "They have violently overrun the Mexican border. You saw that two days ago. These are tough people, in many cases. A lot of young men, strong men. And a lot of men that maybe we don't want in our country." The rhetorical tool, Chavez said, "erases the real characteristics of those who wish to come to the United States," instead creating the image of a single army "bent on destroying our way of life." "People have to realize that Trump didn't invent this rhetoric," Chavez said. "He's just able to use it effectively."

### **Kasich: 'There is no imminent invasion'**

[The Hill](#) [11/2/2018 9:43 AM, Morgan Gstalter, 2630K] reports that Ohio Gov. John Kasich on Thursday rejected President Donald Trump's warnings about the Central American migrant caravan heading for the U.S., saying there is "no imminent invasion." "We're not going to let a bunch of people just come into the country, but people want to seek asylum and that's the laws we have," Kasich told CNN's Chris Cuomo. "The fact is when somebody gets to the border and if their families are at risk of being, you know, violence, rape, murder whatever, they have a right to apply." Kasich, a 2016 GOP presidential candidate and top GOP Trump critic, called for immigration reform, saying Trump is deliberately "getting people stirred up" on the issue. Democrats have also made "incendiary" comments, Kasich argued, but Trump is using the White House to push fear tactics. "The president of the United States has the most powerful voice, not just in America but in the world," Kasich said. "What a president says matters."

### **Trump weaponizes immigration frenzy with killings, but crime data aren't on his side**

[Los Angeles Times](#) [11/2/2018 5:00 AM, Cindy Carcamo, Hannah Fry and Corina Knoll 3575K] reports that time and again, three California cases have been hoisted and heralded by President Trump as the most lethal argument against immigration reform. The argument also runs in the face of numerous studies that say illegal immigration has been at historic lows over the last several years and that an overwhelming correlation exists between immigrants and low crime rates. A study released this year by the Cato Institute, a libertarian public policy research organization, examined 2015 data from the Texas Department of Public Safety and found that homicide conviction rates for illegal and legal immigrants were 16% and 67% below those of native-born residents, respectively. On

Wednesday, the president encouraged constituents to "Vote Republican now!" and tweeted a video of Luis Bracamontes, the man sentenced to death for killing two Northern California deputies while in the country illegally. It's a strategy he has employed since he was a presidential candidate, when he cited the death of Kathryn Steinle in San Francisco to make his case for building a wall across the U.S.-Mexico border. Jose Ines Garcia Zarate, a Mexican national who had been deported five times and was freed from custody under so-called sanctuary laws, was arrested on suspicion of Steinle's murder. Further, gang member Pedro Espinoza was in the country illegally when he shot Jamiel Shaw II twice on a spring night in 2008. Espinoza had been freed from jail two days earlier without immigration authorities placing a hold on him. He was convicted of first-degree murder four years later and sentenced to death for Shaw's slaying.

### **How Immigration Policy Might Decide The Election**

[Forbes](#) [11/4/2018 2:27 PM, Andy J. Semotiuk] reports immigration is a hot button issue in the mid-term elections in America . If immigration issues help the Democrats win either house, President Trump could end up under fire. Alternatively, however, President Trump's immigration initiatives could knock out the Democrats. The stakes could not be higher. With just days left in the election campaign, here are the immigration policies of the two parties compared: [Editorial note: consult source link for extensive commentary]

### **Newt Gingrich: Stop the caravan and build the wall to keep deadly drugs out and save lives**

[FOX News](#) [11/2/2018 4:38 PM, Newt Gingrich, 10787K] reports a perfect storm is brewing in the Southern Hemisphere and making its way north to the United States. Heroin, fentanyl and other opioids already pour through America's southern border and this infiltration is one of three elements that will feed the perfect storm. Every day, 115 Americans die from opioid overdoses and from tainted drugs passing through our border with Mexico. The second element is MS-13, the brutal gang that is a drug courier of choice used by the Mexican drug cartels for distribution of these drugs within the United States. When these two elements are mixed with the third element the caravan of several thousand people, mostly men, seeking to break through our southern border you complete a toxic combination leading to a perfect storm. MS-13 gang members have already been found in the mass migration. It is not hard to spot them with their MS-13 tattoos. It is only a small leap in logic that MS-13 gang members will be using the caravan as a cover to increase their drug and human trafficking operations. This combination magnifies the threat to America's national security. Securing our border must not be the partisan issue that some have made of it.

### **Trump Wants to Make it Hard to Get Asylum. Other Countries Feel the Same.**

[New York Times](#) [11/2/2018 6:31 PM, Max Fisher and Amanda Taub] reports President Trump's promise to stop a caravan of Central American migrants from reaching the United States border, if necessary through military force, might seem like just another effort by the president to unilaterally dismantle international laws and accepted practices. But there is one important difference between this and Mr. Trump's go-it-alone defiance of climate change agreements, trade deals or arms control treaties. In attacking the long accepted means of protecting refugees and upholding stability in times of mass displacement, he's got company. Lots and lots of company. There is no shortage of countries that also skirt, and therefore undermine, global refugee rules. The European Union and Australia are two of the biggest offenders. Peru and Ecuador are restricting Venezuelan refugees, while Tanzania is working to push out Burundians.

In 2015, as Rohingya refugees fled Myanmar on overcrowded boats, the governments of Indonesia, Malaysia and Thailand — in a move that might make even Mr. Trump blush — pushed the boats out to sea, stranding them, to prevent them from reaching safe shores. Still, countries tend to hide their violations by presenting themselves as following the letter of the law, or by dressing up anti-refugee measures in humanitarian terms. But Mr. Trump is selling his harsh treatment of asylum-seekers as deliberate. And even if he is not the first to breach the rules, he is contributing to their breakdown in ways that could have global consequences. "The more brazen you get, like Trump, and the more frequent you get, you can easily imagine a norm being completely torn down," said Stephanie Schwartz, a migration expert at the University of Pennsylvania, who added that Mr. Trump was "taking an ax" to "one of the strongest norms we've got in international law" — the right of a refugee to seek asylum.

### **Asylum changes, tent cities Trump has pledged may run into hurdles**

[CBS News](#) [11/2/2018 7:32 AM, Staff] reports President Trump said Thursday he plans to sign an order next week that could lead to the large-scale detention of migrants crossing the southern border and bar anyone caught crossing illegally from claiming asylum — two legally dubious proposals that mark his latest election-season barrage against illegal immigration. Mr. Trump also said he had told the U.S. military mobilizing at the southwest border that if U.S. troops face rock-throwing migrants, they should react as though the rocks were "rifles." "This is an invasion," Mr. Trump declared, as he has previously on a subject that has been shown to resonate strongly with his base of Republican supporters. He made his comments at the White House in a rambling, campaign-style speech that was billed as a response to caravans of migrants traveling slowly by foot toward the U.S. border. But Mr. Trump offered few details on how exactly he planned to overhaul an asylum system he claimed was plagued by "endemic abuse" that he said "makes a mockery of our immigration system." U.S. immigration laws make clear that migrants seeking asylum may do so either at or between border crossings. But Trump said he would limit that to official crossing points. The U.S. also doesn't have space at the border to manage the large-scale detention of migrants, with most facilities at capacity. The president said the government would erect "massive tents" instead.

### **Can Trump stop asylum seekers?**

[Los Angeles Times](#) [11/2/2018 11:50 AM, Molly Hennessy-Fiske, 3575K] reports President Trump is poised to issue an executive order next week aimed at stopping a caravan of thousands of Central American migrants crossing Mexico toward the United States, many with plans to claim asylum. In a speech Thursday, Trump provided few specifics about the order but vowed to prevent applicants who are "coached" by attorneys from remaining in the United States while their "fraudulent or meritless asylum claims" are processed. But that is likely to prove difficult. Here is some background on the asylum process and the obstacles Trump faces. How do migrants qualify for asylum? Under federal law, immigrants can claim asylum based on a "credible fear" of persecution or harm on account of race, religion, nationality, political opinion or membership in a "particular social group." For each migrant seeking asylum at a border crossing, an asylum officer conducts a credible fear screening interview. Based on that interview, the officer decides whether the applicant has a "significant possibility" of being eligible for asylum. A rejection results in a removal order, though the applicant may appeal to an immigration judge. Those who pass are referred to immigration court and either released — sometimes with "alternatives to detention," such as

ankle monitors and reporting requirements – or transferred to an Immigration and Customs Enforcement detention facility to await a hearing.

How much leeway does the Trump administration have to change the qualifications? Last summer, the Trump administration decided that victims of gang and political violence would no longer be considered "particular social groups," and this June, U.S. Atty. Gen. Jeff Sessions took the unusual step of intervening in a case involving a Salvadoran immigrant – identified as "A.B." – who left her three children behind to flee attacks and death threats by her ex-husband and his brother, a police officer. An asylum officer initially found the woman had a credible fear of returning to El Salvador. But Sessions issued a decision that, "generally, claims by aliens pertaining to domestic violence or gang violence perpetrated by non-governmental actors will not qualify for asylum." "The asylum statute does not provide redress for all misfortune," he wrote. The administration then instructed asylum officers to apply Sessions' decision to the "credible fear" process at the border. Newly appointed judges have been more likely to reject asylum claims by victims of domestic or gang violence, while more seasoned judges have been more likely to grant them, according to Lindsay Harris, co-director of the American Immigration Lawyers Assn. Trump said that most asylum seekers never show up for their court dates and remain in the country illegally. No. Between 60% and 75% of immigrants who were not being detained by the government attended their immigration court proceedings, according to statistics from the Justice Department.

Additional reporting:

[Associated Press](#) [11/2/2018 10:45 AM, Jill Colvin and Colleen Long]

[CBS News](#) [11/2/2018 7:32 AM, Staff]

[KVIA](#) [11/2/2018 6:48 PM, Saul Saenz, 39K, CA]

[Independent](#) [11/2/2018 7:32 AM, Chris Riotta, UK]

### **Forcing asylum seekers to choose between indefinite detention and family separation is cruel**

[The Hill](#) [11/3/2018 3:00 PM, Michelle Brane] reports the Trump administration has waged a sustained and coordinated campaign of chaos to instill fear and deter families — including women and children fleeing danger and violence at home — from seeking asylum in the U.S. This administration has dragged its feet in implementing the reunification of separated families. It is ignoring millions of Americans who took to the streets this summer to decry these barbaric policies. And it is on the wrong side of a new nationwide poll, commissioned by the Women's Refugee Commission, showing that 70 percent of likely voters support allowing refugees to seek asylum in the U.S., and that two-thirds of voters oppose family detention. As of this writing, President Trump is set to deploy 5,000 U.S. troops — in addition to the 2,100 he already sent — to the border to intercept refugees fleeing violence in Guatemala, Honduras, and El Salvador. He reportedly also is considering closing the border to asylum-seeking families from Central America — a move that would violate human rights law — under the guise of national security.

### **Trump Administration's Limits on Asylum for Domestic Violence Put Guatemalan Women in Peril**

[Intercept](#) [11/2/2018 10:46 AM, Cora Currier, 524K] reports the Trump administration has already taken steps that have drastically impacted the prospects of one group in particular: Central American women fleeing domestic violence. Guatemala has one of the highest

rates of deadly violence against women, or femicide, in the world – 7,357 violent deaths tallied between 2008 and 2017 by the nonprofit Grupo Guatemalteco de Mujeres. An unknown but certainly large number of those crimes, both physical and sexual, begin in the home, as domestic violence at the hands of husbands, partners, or relatives. In 2014, a landmark decision by the Board of Immigration Appeals, which has jurisdiction over all U.S. immigration courts, established that "married women in Guatemala who are unable to leave their relationship" qualified as a particular social group that could be singled out for persecution. The board underlined that the Guatemalan state was incapable of providing protection and could even be complicit in the violence against them.

Attorney General Jeff Sessions, however, aimed to change all that. In June, using a rarely exercised power of his office, Sessions personally intervened to overturn an asylum decision concerning a woman from El Salvador. He used the opportunity to issue a sweeping statement about the nature of domestic abuse, calling it a private crime, and saying that "generally, claims by aliens pertaining to domestic violence or gang violence perpetrated by nongovernmental actors will not qualify for asylum."

**What Asylum Means for the U.S. and the Central American Migrants Who Want It**  
[Pacific Standard](#) [11/2/2018 6:47 PM, Emma Sarappo, 83K, CA] reports that President Donald Trump has publicly claimed he'll change the United States' asylum laws via executive order, automatically denying anyone who doesn't show up at a designated port of entry and enforcing mandatory detention for all asylum seekers. Asylum is a political protection offered to people who have entered the U.S. as refugees fleeing their home nations. Refugees are people who are living outside of their home countries (but who aren't resettled permanently in another) and cannot return to their home because of persecution based on one of five categories: race, religion, nationality, membership in a certain social group, or political opinion. Many of the migrants from the Northern Triangle — Honduras, Guatemala, and El Salvador — are fleeing gangs that target women, children, and young unaffiliated adults for extortion and violence.

### **To be clear: Seeking asylum at the border is not illegal**

[The Hill](#) [11/3/2018 10:30 AM, Archi Pyati] reports that once again, this administration is seeking to block people from entering this country based on unsubstantiated claims that they threaten our safety. To be clear: seeking asylum at the border is not illegal, but turning asylum seekers away is illegal. That is exactly what this executive order would seek to do. Providing a bridge to safety to those seeking protection is a responsibility our nation took on after the Holocaust. Despite the rhetoric and policy efforts of this administration, U.S. and international law explicitly state that we must offer individuals a fair opportunity to request asylum. Individuals approaching the border must first alert a Customs and Border Patrol agent that they are afraid to return to their home countries. This is not easy for anyone given language barriers, fatigue and hunger. This administration continues to perpetuate the narrative that asylum seekers are opportunists, but the countless stories I have heard from immigrant survivors of gender-based violence fleeing unspeakable danger in their home countries paint a harrowingly different picture.

### **Trump's tent cities are an enormous waste of money. There are better options.**

[VOX](#) [11/2/2018 11:56 AM, Alexia Fernández Campbell, 3169K] reports that thousands of families fleeing persecution in Honduras are walking to the United States to request asylum. President Donald Trump has made it quite clear that he doesn't like that. Aside from



deploying the military to the border, Trump said on Thursday that he plans to detain asylum seekers in "massive tents" along the border. I won't go into the details about the legal problems this would cause the Trump administration, or how inhumane tent cities are. Vox's Dara Lind does a good job explaining that here. I'll just focus on what a waste of money the tent cities are, and that the administration has better alternatives to ensure asylum seekers and immigrants comply with US laws. These are a few cost estimates from the administration: Housing someone in a tent city costs about \$775 per day. Housing someone in a traditional immigration detention center costs between \$133 to \$319 per day. Releasing immigrants under community supervision or electronic monitoring costs about \$4.50 per day. That's a pretty big cost difference. Under past administrations, the Department of Homeland Security has usually chosen to lock up immigrants arrested at the border — but the agency has also created several effective alternatives to detention. The White House could prioritize these programs instead of trying to find more places to lock up families.

### **Nonprofits Struggle To House Migrant Families Released By ICE**

[NPR](#) [11/3/2018 8:14 AM, Mallory Falk] reports Central American immigrant families are already arriving at the border. Due to lack of room, ICE is releasing many migrant detainees and counting on nonprofits to house and help the migrants. President Trump said this week his administration is no longer releasing migrants from custody. We're going to catch. We're not going to release. That's what the president said, but that's not what's happening right now along the southwest border. The number of migrant families apprehended there has reached record numbers. So a few weeks ago, Immigration and Customs Enforcement began to release hundreds of families from custody, and that places a strain on nonprofit groups and communities along the border. From member station KRWG, Mallory Falk reports. [Editorial note: consult source link for audio]

### **Trump administration must face claims by immigrant children**

[Bloomberg](#) [11/2/2018 1:51 PM, Edvard Pettersson] reports that the Trump administration lost its bid to throw out a lawsuit by immigrant children who say they are denied access to lawyers or given a hearing to challenge their confinement by the Office of Refugee Resettlement. U.S. District Judge Dolly Gee at a hearing Friday in Los Angeles denied the government's request to dismiss the lawsuit. The case was brought by seven children who are detained as unaccompanied minors and who have relatives in the U.S. that want to take care of them. The claim that the U.S. violates their constitutional due process rights could provide an extra legal hurdle for the Trump administration's plans to get around a 1997 agreement that restricts the government's ability to detain immigrant children.

In a July ruling, Gee denied the U.S.'s request to modify the so-called Flores settlement as "wholly without merit" and faulted the administration for an "ill-considered executive action" that led to the separation of children from their parents when families were apprehended trying to cross into the U.S. at the Mexican border. The case is *Lucas R. v. Azar*, 18-cv-05741, U.S. District Court, Central District of California (Los Angeles).

Reported similarly: [CBS News](#) [11/2/2018 5:16 PM, Graham Kates]

### **Trump's attack on birthright citizenship**

[San Antonio Express-News](#) [11/2/2018 4:28 PM, Editorial Board, 144K, TX] reports that President's desire to undo a constitutional amendment — and birthright citizenship — by executive order must be treated with utmost seriousness. That's because, while the

consensus is that the Constitution's 14th Amendment means precisely what it clearly says, these are not times in which we can take for granted that plain language is understood, even by judges. Here's perhaps the most compelling reason: If constitutional amendments can be overturned by executive order, there are plenty of advocates of all stripes for undoing one or more of them, starting with the 1st and 2nd through to the 10th in the Bill of Rights, all the way to the 27th. There is a prescribed method for changing the Constitution. Not making it as easy as signing an executive order is on purpose.

### **Why the president shouldn't mess with birthright citizenship**

[Grand Island Independent](#) [11/4/2018 9:00 PM, Christine Flowers, NE] reports whenever I talk about immigration matters, I try not to let people see that tattoo on my forehead, the one with the Statue of Liberty wrapped in a copy of the 14th Amendment. It's a conversation killer. But there's no avoiding the fact that my day job has a strong influence on the way I view President Trump's announced decision to get rid of birthright citizenship, something which has been fairly settled law for over a century. That is, until the topic of illegal immigration became a useful arrow in the campaign quivers of both parties. The GOP, which used to have a healthy appreciation for the contributions of immigrants to society, has morphed into the party of "they all killed Kate Steinle." And the Democrats have reacted by doing absolutely nothing, even when they were in the majority, to alleviate the problems caused by a broken border and ineffective laws that paralyze families and the economy. It was inevitable that immigrants would once again become that convenient political football, raw meat for the social media masses. I'm hip to the games people play, and I usually ignore the comments about criminal aliens, gang members, racist Republicans and the like. That's because I'm an immigration lawyer and know a lot more about the inner workings of the laws and the real world impact on people like my clients than the Facebook scholars who keep posting links on my page about "birth tourism," which I thought was what happened when Mary and Joseph were scouting out a room at the inn.

### **Amid Trump's birthright talk, a steep drop in the number of babies born to undocumented parents**

[NBC News](#) [11/2/2018 11:59 AM, Suzanne Gamboa, 3539K] reports as President Donald Trump has called for an end birthright citizenship, the nation has been experiencing a steep drop in the number of babies born to undocumented immigrant parents, according to Pew Research Center. About 250,000 babies were born to undocumented immigrant parents in 2016, compared to 390,000 in 2007; a 36 percent drop, the center reported. In 2016, babies born to undocumented parents represented about 6 percent of the 4 million births in the country; in 2007, they were 9 percent of total births. Pew points out that it's important to keep in mind that the immigration status of parents can change over time. There may be parents who had legal permission to be in the U.S. when their child was born but later overstayed their visas, for example. Also, parents may have lacked legal documentation when the child was born but later obtained green cards and citizenship. Pew estimates that about 5 million children under 18 who were born in the U.S. live with at least one parent who lacks legal status. That number has "leveled off," Pew notes, due to a decrease in the number of undocumented immigrants following the Great Recession as well as fewer births.

### **Ways to crack down on 'birth tourism' without touching the 14th Amendment**

[Washington Examiner](#) [11/2/2018 8:58 AM, Tiana Lowe, 567K, DC] reports that over the last two days, President Trump has repeatedly slammed the practice of birth tourism. While the informal use of "anchor babies" has tended to describe children born in the U.S. with the

intention of staying in the U.S., birth tourism tends to cater to wealthy foreigners from nations hostile to democracy and the U.S. government, such as Russia and China. While from a statistical perspective, birth tourism and births in maternity hotels comprise very few births on American soil to foreign nationals, the government could effectively target birth tourism without touching the precedent of birthright citizenship. Without changing a single law, the federal government could crack down on the maternity hotels which coach women to lie to immigration officials and illegally evade taxes. The government is also well within its rights to deny visas to expectant mothers from countries known to engage in birth tourism.

### **C-SPAN Poll: How Americans Feel About Birthright Citizenship Might Shock You**

[Daily Wire](#) [11/2/2018 11:07 AM, Amanda Prestigiacomo, CA] reports that earlier this week, President Donald Trump drew inflammatory headlines from the mainstream media over his declaration to end birthright citizenship — the idea that any child born on American soil is automatically a United States citizen, even if the mother is an illegal immigrant – possibly by bypassing Congress and signing an executive order. "It was always told to me that you needed a constitutional amendment," Trump told Axios. "Guess what? You don't ... You can definitely do it with an act of Congress. But now they're saying I can do it just with an executive order," he continued. "We're the only country in the world where a person comes in and has a baby, and the baby is essentially a citizen of the United States ... with all of those benefits. It's ridiculous. It's ridiculous. And it has to end."

While recently polling on the issue is sparse, C-SPAN's Washington Journal, which is not exactly a right-wing outlet, put out a Twitter poll on Wednesday. "Should U.S. End Birthright Citizenship?" asked the straightforward poll. Over 9,000 Twitter users responded. The final results showed resounding agreement with the president that birthright citizenship should end. A total of 6,683 participants, or 72%, answered "yes"; and 2,6000 participants, or 28%, responded "no."

### **Democrats haven't abolished ICE, just their message about it**

[NBC News](#) [11/3/2018 9:34 AM, Adam Edelman, 3539K] reports that less than five months ago, Alexandria Ocasio-Cortez, promising a bold progressive agenda – including calls to abolish ICE won a stunning upset in a House Democratic primary. Days later, fellow New York Democrats Sen. Kirsten Gillibrand and Mayor Bill de Blasio joined her, demanding an end to the federal agency tasked with immigration enforcement. With just days to go before the midterm elections, the "abolish ICE" issue has all but vanished from the radar. That's due to what experts say is its failure to resonate with mainstream Democratic voters, a misplacing of blame for the nation's immigration crisis and a successful counter-attack from Republicans, including President Donald Trump. The biggest factor in the Democrats' abandonment of the issue, Democratic strategists said, was that it deflected blame from those who they believe are responsible for creating a wave of new, harsh and divisive immigration policies.

### **Iraq may not welcome U.S. deportees, contrary to court arguments**

[CNN](#) [11/2/2018 6:23 PM, Sonia Moghe, 25865K] reports that as more than 100 detained Iraqi nationals wait to see if they will be released after many have been held for nearly 18 months, recently unsealed documents raise new questions about Iraq's desire or ability to accept those detainees against their will. Many fear for their safety, the ACLU says, if they are returned to Iraq, a country that some have not lived in for decades. Some are Chaldean Christians or members of oppressed Muslim sects and fear being persecuted, tortured or

killed if returned. About 110 of those Iraqi nationals remain in ICE custody in 33 facilities nationwide. Iraq's willingness to take in deported nationals has been the basis of the U.S. government's argument to keep them detained until their immigration cases are decided. But recently unsealed documents, including memos and emails from U.S. officials and a letter from an Iraqi official, show that Iraq has hesitated to allow the "forced return" of Iraqi nationals. Iraqi officials re-emphasized to CNN on Friday their unwillingness to take in Iraqis who have been forcibly removed.

### **[NY] ICE Arrests At New York City Courthouses Are Increasing — This Video Captures One**

[Intercept](#) [11/2/2018 2:09 PM, Ryan Devereaux, 524K] reports that arrests of immigrants at or near New York City courthouses by Immigration and Customs Enforcement officers have spiked dramatically in recent months, according to a leading advocacy organization tracking the practice. While these highly controversial operations have drawn outrage from defense attorneys, who argue that turning courthouses into hunting grounds for arrests perverts and undermines the role of the court as a place to seek justice, the arrests themselves are rarely seen by the outside world. That changed on Thursday, when a bystander outside the Queens County Criminal Court filmed a crew of plainclothes ICE officers, in coordination with New York state court officers, dragging a man into an unmarked vehicle as he attempted to enter the court. Joshua Epstein, supervising immigration attorney at Queens Law Associates, confirmed that the man was a client of his organization. Though the public defender organization declined to provide the man's name for privacy reasons, Epstein told The Intercept that they had confirmed that his arrest was carried out by ICE. The man was appearing in court for a misdemeanor, he said, and he was on a path toward a noncriminal disposition. [Editorial note: consult source link for video]

### **[NJ] Activists protest Essex County contract with ICE to hold immigrants at jail**

[North Jersey Record](#) [11/3/2018 6:56 PM, Monsy Alvarado, 63K, NJ] reports about three dozen protesters braved the wind Saturday and gathered outside the Essex County jail in Newark to continue to press county officials to stop housing immigration detainees at the facility on Doremus Avenue. The protestors chanted "shut it down," and "immigrants are welcomed here," in between speeches and singing that demanded that Essex County end its collaboration with U.S. Immigration and Customs Enforcement or ICE and terminate its contract with the agency. The contract allows those detained by ICE on immigration violations or those seeking asylum to be sent to the facility while they await a decision on their case. ICE pays Essex County more than \$100 per day, per detainee it houses.

### **[FL] U.S. Spends \$500,000 Per Day for Homestead Child-Migrant Camp**

[Miami New Times](#) [11/2/2018 10:57 AM, Jerry Iannelli, 91K, FL] reports that according to publicly available documents published this week, Americans are blowing \$500,000 per day in public funds to keep the Homestead Temporary Shelter for Unaccompanied Children in South Miami-Dade running. The shelter opened under Barack Obama to hold children who were showing up to the U.S. border, mostly from Central American countries such as Honduras and El Salvador. It closed in 2017, but New Times first reported in June that the Trump Administration had reopened it without telling the public and had quietly placed more than 1,000 children there. Now, the news site Quartz has dug up publicly available budget documents showing just how much money Americans are spending to keep the shelter open: about \$17 million every month. Immigration officials are also illegally sending migrant kids directly from the Homestead compound to adult detention facilities once they turn 18.

New Times reported in August that at least 14 children have been sent directly from Homestead to the Broward Transitional Center, an adult Immigration and Customs Enforcement prison, on their 18th birthdays. Immigration attorneys told New Times that three legal precedents should protect migrant children from being handed over to ICE when they turn 18, but that federal officials regularly flout those rules.

**[FL] Miami is a case study of birthright citizenship abuse**

[Washington Examiner](#) [11/4/2018 12:00 PM, Staff, 567K, DC] reports President Trump once again questioned the interpretation of the 14th Amendment, the constitutional amendment that established birthright citizenship. While legal questions remain, thousands of illegal immigrants have taken advantage of birthright citizenship by either traveling to the U.S. while pregnant or having a child while illegal. Both are attempts to abuse current law to create an entryway into the country for individuals who otherwise could not obtain permanent legal status.

The Center for Immigration Studies and Pew Research have estimated that there were between 275,000-297,000 births to illegal immigrant parents in 2014. There are approximately 36,000 "birth tourists" who come to the U.S. each year. These births cost upwards of \$2.4 billion for U.S. taxpayers. Every year, Russian and Brazilian women pay tens of thousands of dollars for birth "packages" that arrange travel and stay for the birth of their children in Miami. Many Central Americans do this as well, as anyone from Miami would attest, including Sen. Marco Rubio, R-Fla.

**[TX] Border Wall Construction to Begin in Texas**

[Breitbart](#) [11/3/2018 12:11 PM, Bob Price, 2405K] reports federal officials announced the award of a contract to allow construction of new sections of border walls in the Rio Grande Valley Sector of South Texas. The \$145 million construction project is slated to begin in February 2019. U.S. Customs and Border Protection and the U.S. Army Corps of Engineers announced the award of a contract to build approximately six miles of border walls along the levee system in the Rio Grande Valley Sector, according to information provided to Breitbart News by U.S. Border Patrol officials. The contract, awarded on October 31 to Sisco Ltd., provides \$145 million for the project which will begin in February 2019, officials stated. The project calls for the construction and installation of "tactical infrastructure" to include 18 feet tall steel bollard walls which will be placed on top of reinforced sections of concrete levee walls. The Rio Grande Valley Sector in South Texas continues to lead the nation in the apprehension of Family Unit Aliens and Unaccompanied Alien Children, according to the September Southwest Border Migration Report. The sector witnessed a 27 percent increase in the number of FMUAs apprehended in 2018 compared to the previous fiscal year, officials reported.

**[TX] Texas communities scramble to help Central American migrants**

[Washington Post](#) [11/4/2018 7:00 AM, Robert Moore, 11653K] reports that as attention focuses on a migrant caravan moving north through Mexico, communities in Texas along the border are scrambling to help hundreds of Central American families already arriving there each week. "This is the third surge [of migrants] that we've seen over the past three years. Clearly it is the highest, the largest surge that we've seen," said Ruben Garcia, the founder and executive director of Annunciation House, an El Paso nonprofit that has cared for migrants for 40 years. At the Paso del Norte bridge connecting El Paso and Ciudad Juarez, Mexico, hundreds of Central American parents and children camp out each night,



waiting for the chance to apply for asylum at the port of entry. Hundreds more families cross between ports, requesting asylum after being apprehended by Border Patrol agents. The migrant families are initially detained in holding cells at the bridge or at Border Patrol stations. Built to house people for a few hours for processing, the holding cells have been used in recent weeks to house 20 or more people at a time for up to three days. Some families have reported being moved from one cell to another, sometimes spending a week or more in detention before being released.

In El Paso, Immigration and Customs Enforcement releases about 2,100 people per week to Annunciation House, which works with area churches to shelter and feed migrant families as they await transportation to join relatives elsewhere in the United States. That rate has tripled in the past month, leading Annunciation House to increase the number of churches it relies on to house migrant families.

Reported similarly: [News 4 San Antonio](#) [11/3/2018 12:21 AM, Claudia Tristan, 35K, TX]

**[TX] Commentary: Central American Asylum Seekers Find Help In San Antonio**  
[Texas Public Radio](#) [11/2/2018 4:50 PM, Yvette Benavides, 6K, TX] reports that U.S. immigration detention facilities released an unusual number of Central American asylum-seekers this past weekend, and many of them ended up in a downtown San Antonio bus station. Local nonprofits scrambled to provide assistance. At the Greyhound bus station in San Antonio, a group of 30 migrants just released from holding cells and detention centers in Dilley and Karnes counties waited for their bus to Dallas and transfers to cities all over the country. According to a statement from U.S. Immigration and Customs Enforcement, the releases are part of its efforts to hold to its own imposed limits and laws regarding the number of people it can reasonably accommodate. [Editorial note: consult source link for audio]

**[TX] Migrants camped at border worry caravans will shut them out**  
[Associated Press](#) [11/4/2018 2:53 PM, Nomaan Merchant] reports that waiting on the southern end of a bridge that leads to the United States, Humberto Alvarez Gonzalez warily follows the progress of the caravan winding through Mexico with the goal of reaching the border. Alvarez and about two dozen other people are waiting in Matamoros, across the Rio Grande from Brownsville, Texas, because U.S. customs officers say there's no space to process them. Now, Alvarez, a 32-year-old from Cuba, is worried that large waves of migrants in a caravan still more than 800 miles away from the border might provoke the U.S. government to reject them altogether. Asylum seekers already camping at border crossings worry that how the Trump administration responds to the caravan of some 4,000 Central American migrants and three much smaller ones hundreds of miles behind it could leave them shut out.

**[AZ] Family Releases Continue In Arizona As Trump Promises Tent Cities For Migrants**  
[Fronteras Desk](#) [11/2/2018 6:39 PM, Matthew Casey, 1K, AZ] reports that President Donald Trump said he will order that any migrants attempting to cross the southern border be held in what he described as massive tent cities while their immigration case is heard. Meanwhile, immigration authorities are still releasing groups of undocumented families and asylum seekers in Arizona. About 90 undocumented families were expected to be released on Friday, and another 400 people currently being held in Yuma will start to arrive in metro-

Phoenix as early as Sunday, said Rev. Magdalena Schwartz, a pastor with Capellania Cristiana Llamados Para Servir. Schwartz has been receiving families since early October. "And more churches (are) calling me now, 'I want to open my church.' More people calling me say, 'I want to help,'" she said. Schwartz said stopping the releases is up to the president. But she thinks it's better if the families aren't in detention. U.S. Immigration and Customs Enforcement said it continues to work with faith groups as it releases families. In October, the agency said the releases were due to volume and the need to follow a court settlement limiting how long kids can be detained. [Editorial note: consult source link for audio]

**[NV] Refugee from Iraq Accused of Making Two Bombs in Las Vegas for Attack**

[Breitbart](#) [11/4/2018 6:42 PM, John Binder, 2405K] reports that a refugee living in the United States from Iraq has been arrested and charged with making two bombs in Las Vegas, Nevada and allegedly teaching undercover FBI investigators how to make and detonate the explosive devices. Ahmad Suhad Ahmad, a 30-year-old Iraqi refugee living in Tuscon, Arizona was busted by the FBI after the agency spent nearly two years operating an undercover sting where they say Ahmad built bombs and taught undercover agents how to do the same. According to the FBI, the Iraqi refugee built two bombs in a Las Vegas condo. Both of those bombs, investigators say, were meant for a terrorist attack in Mexico that Ahmad was planning. [Editorial note: consult source link for audio]

**[OR] Sanctuary state: Another look at Measure 105**

[KOIN](#) [11/3/2018 6:51 AM, Cole Miller, 51K, OR] reports as President Trump ramps up talk of a "migrant caravan" filled with all manner of criminals marching inexorably to invade the United States, Oregon voters will decide Tuesday whether to keep its sanctuary state status. Since 1987, when Oregon became the first state in the nation to be a sanctuary state, state agencies – including law enforcement – are forbidden from using resources or people to find or arrest people whose only legal violation is federal immigration law. Measure 105 seeks to repeal that law. Advocates who say Oregon needs to keep its sanctuary status point to an underlying issue: Immigrants who are fearful to come forward when they're a victim of a crime. They worry if they file a report against, say, a person who is abusing them, they and their family will be deported. They worry ICE will work alongside local police to round up the undocumented.

Reported similarly: [KDRV](#) [11/2/2018 3:26 PM, Sionan Barrett, 11K, OR]

**[OR] Immigration agency: Jail freed man later charged with murder**

[Washington Post](#) [11/2/2018 10:45 PM, Associated Press] reports that federal officers have accused authorities in Oregon of preventing them from taking a Mexican national into custody before he was released in a domestic violence case and went on to be charged with murder. Martin Gallo-Gallardo, who was in the U.S. illegally, posted bond in March and was released from jail in Portland when his wife and a daughter stopped cooperating with prosecutors and a grand jury declined to indict him, The Oregonian/OregonLive reported Friday. Authorities in nearby Clackamas County arrested and charged him this week with killing his wife and dumping her body in a ditch. His court-appointed attorney, Thomas Hanrahan, did not immediately return a call seeking comment Friday.

Immigration and Customs Enforcement says it placed a civil detainer on Gallo-Gallardo, 45, while he was still in custody in Portland and wanted to take him into federal custody for

deportation, but the request wasn't recognized by the sheriff's office. The case spotlights Oregon's first-in-the nation immigrant sanctuary law just as voters will decide Tuesday whether to repeal it. Oregon adopted the law in 1987 to prevent law enforcement from detaining people who are in the U.S. illegally but have not broken other laws. "It's unfortunate that law enforcement agencies like the Multnomah County jail refuse to work with ICE to promote public safety by holding criminals accountable and providing justice and closure for their victims," said Tanya J. Roman, a spokeswoman for the ICE regional office that covers Oregon, Washington, Idaho and Alaska. "Sanctuary policies not only provide a refuge for illegal aliens, but they also shield criminal aliens who prey on people in their own and other communities." Multnomah County officials insisted Friday that they didn't get the request. They also pointed out that jails in Oregon can't recognize civil detainees because of a 2014 federal court decision that found Clackamas County violated a woman's rights by holding her beyond her release date while federal authorities investigated her immigration status.

Reported similarly:

[FOX News](#) [11/3/2018 12:33 AM, Louis Casiano]  
[Breitbart](#) [11/3/2018 2:08 PM, Katherine Rodriguez, 2405K]  
[The Daily Caller](#) [11/2/2018 6:54 AM, Will Racke, 909K]  
[News Radio 1190 KEX](#) [11/2/2018 8:11 PM, Brad Ford, 735K, OR]  
[Oregonian](#) [11/2/2018 7:28 PM, Maxine Bernstein, 587K, OR]  
[KGW](#) [11/2/2018 6:31 PM, Mila Mimica, 79K, OR]  
[KOIN](#) [11/3/2018 10:45 AM, Amy Frazier, 51K, OR]  
[KVAL 13](#) [11/2/2018 5:56 PM, Staff, 22K, OR]

#### **[CA] Asylum Seekers Dropped on Local Streets With Nowhere to Go**

[NBC San Diego](#) [11/3/2018 6:59 AM, Gaby Rodriguez, 138K, CA] reports that several local churches in San Diego say they are being overwhelmed with the influx of asylum-seeking immigrant being dropped off on the streets with nowhere to go. The churches say they have been taking in about 50 people a day in 10 different locations. Their hospitality toward immigrants are needed more than ever as Immigration and Customs Enforcement releases detained families without any plans on where these asylum seekers should go or how they should get there. "There has been a definite uptake in the number of people that are needing assistance right now," Episcopal Dioceses of San Diego spokeswoman Hannah Wilder said. "My understanding is that ICE is dropping people off without any place to go without any food or money." In a statement to NBC 7, ICE said on Oct. 23 it started to cut back on post-release procedures for apprehended families, meaning there is no post-release plan. ICE said this new protocol is a result of a large number of intakes and asylum requests the agency's been receiving.

Reported similarly: [KSDK](#) [11/3/2018 7:29 PM, Staff, MO]

#### **[CA] First Section of Border Fence Between California and Mexico Completed**

[La Prensa San Diego](#) [11/2/2018 3:49 AM, Alexandra Mendoza, 1K, CA] reports that Homeland Security Secretary Kirstjen Nielsen visited the border region between Calexico, California and Mexicali, Mexico this week to unveil the first, two-mile section of the border fence. One feature of the new wall that is immediately apparent is that is much taller than the fence that went up in the nineties. Another feature, which was a request by border enforcement agencies, is that there is a space between the 30-foot high bollards (twice as

high as the wall it replaces) allows visibility of what is happening on the other side of the border. This is the same model currently being installed along 14 miles between San Diego and Tijuana. "Walls work," said Nielsen during her speech, accompanied by Commissioner of U.S. Customs and Border Protection Kevin McAleenan and Gloria Chavez, Chief of the El Centro Sector Border Patrol. "That's not an opinion, it's not a tagline, it's not a political statement – it's a fact."

### **[CA] 1,100 Camp Pendleton Marines to Assist Border Patrol**

[NBC San Diego](#) [11/4/2018 9:17 PM, Bridget Naso and Alexander Nguyen, 138K, CA] reports approximately 1,100 Camp Pendleton Marines have been identified to assist Customs and Border Protection at the Southern Border as part of Operation Faithful Patriot, a Department of Defense spokesperson told NBC 7 on Sunday. These Marines are engineers and trained in construction for the military, the spokesperson said. At this time, they remain at Camp Pendleton awaiting orders to report to the border. Five San Diego military bases were selected by the DOD on Thursday to act as support installations, including Marine Corps Air Station Miramar, Marine Corps Base Camp Pendleton, Naval Base Coronado, Naval Base San Diego and Naval Base Point Loma. The bases will be used for equipment and aircraft staging, the spokesperson said. The deployment, named Operation Faithful Patriot, was in response to a caravan of migrants making their way hundreds of miles through Mexico to reach the United States' southern border. President Donald Trump said Wednesday the number of military troops deployed could reach 15,000. DOD officials told NBC 7, the number at this point is going to be closer to 7,000. The migrants are about 800 miles from the nearest United States port of entry where they hope to seek asylum.

## **Legal News**

### **Migrant caravan members sue Trump over proposed border policies**

[The Hill](#) [11/2/2018 2:02 PM, Lydia Wheeler, 2630K] reports that Central American migrants who are part of the caravan traveling toward the U.S.-Mexico border have filed a class action lawsuit against President Trump, Attorney General Jeff Sessions and other members of the administration. In the U.S. District Court for the District of Columbia, six Honduran migrants and their children argue that Trump cannot legally stop them from seeking asylum in the United States. John Shoreman, the attorney representing the migrants who are suing Trump, called the president's immigration policies "shockingly unconstitutional" in the complaint. He said Trump's plan to detain the migrants in the caravan prohibits those seeking asylum from challenging their detainment.

[CNBC](#) [11/2/2018 6:56 PM, Kevin Breuninger] reports the migrants' attorney, John Shoreman, argues that some of Trump's policy proposals violate the due process clause of the Fifth Amendment, which holds that "no person shall ... be deprived of life, liberty, or property, without due process of law." Even undocumented immigrants have due process rights under U.S. law, though that can vary depending on the legal precedent being applied, PBS reported. The six Honduran nationals and their children are asking the federal court to declare a number of Trump's recent policy proposals to be in violation of the supreme law of the land "to end this case and controversy." Homeland Security Secretary Kirstjen Nielsen, Immigration and Customs Enforcement, Customs and Border Patrol, and Citizenship and Immigration Services are also included as defendants in the suit.

[Breitbart](#) [11/2/2018 11:37 AM, Neil Munro, 2405K] reports that the lawsuit is so rushed that it targets Thomas Homan, the retired former acting Director of ICE. "Defendant Thomas Homan is sued in his official capacity as the Director of ICE," the lawsuit says.

Reported similarly:

[Bloomberg](#) [11/2/2018 9:36 AM, Andrew M. Harris]

[FOX News](#) [11/2/2018 10:07 AM, Edmund DeMarche and Amy Lieu]

[NBC News](#) [11/2/2018 4:55 AM, Elisha Fieldstadt, 3539K]

[CNBC](#) [11/2/2018 6:56 PM, Kevin Breuninger]

[National Review](#) [11/2/2018 9:07 AM, Jack Crowe]

[Bustle](#) [11/3/2018 2:33 PM, Caitlin Cruz, 2433K]

[Medium](#) [11/2/2018 6:18 PM, Staff]

[Townhall](#) [11/3/2018 3:25 AM, Beth Baumann, 348K]

[UPI](#) [11/2/2018 1:23 PM, Ed Adamczyk, 303K]

[The Daily Caller](#) [11/2/2018 9:32 AM, David Krayden, 909K, DC]

[The Daily Caller](#) [11/2/2018 10:32 AM, Saagar Enjeti, 909K, DC]

[East Texas Matters](#) [11/2/2018 6:49 PM, Patrick Cunningham, 15K, TX]

[WBAP](#) [11/2/2018 10:58 PM, Staff, 9K, TX]

[Daily Wire](#) [11/2/2018 10:17 AM, James Barrett, CA]

### **Advocates Say Trump Can't Block And Detain Asylum Seekers**

[Law 360](#) [11/2/2018 8:28 PM, Nicole Narea] reports President Donald Trump cannot block asylum seekers who do not present themselves at designated ports of entry and detain them indefinitely under both international law and immigration statute, attorneys and advocates said Thursday and Friday. In an address at the White House on Thursday afternoon, Trump said that he would soon release an executive order to detain asylum seekers in tent cities and deport those who do not present themselves at ports of entry. But attorneys and advocates said he cannot legally restrict asylum claims from those who cross the border between ports of entry, adding that asylum law gives immigrants the right to make asylum claims no matter where they present themselves. "The law is clear and unambiguous," Beth Werlin, executive director of the American Immigration Council, said in a statement Thursday. "Any person inside the United States, regardless of how he or she entered, may apply for asylum." Trump alleged that immigrants cross the border between ports of entry and make meritless asylum claims. They are released while they await lengthy immigration court proceedings in which they are expected to defend their claims, but often fail to show up for those proceedings, he claimed. Anastasia Tonello, president of the American Immigration Lawyers Association, said in a statement Thursday that Trump's claims about asylum seekers who fail to show up for immigration court hearings are overstated. He had asserted that only 3 percent of asylum seekers show up for court while the Department of Homeland Security's own data indicates that the majority of asylum seekers appear for their hearings, she said.

### **Trump Denying Caravan Asylum Bid, Hondurans' Suit Says**

[Law 360](#) [11/2/2018 4:50 PM, Suzanne Monyak] reports six Hondurans challenged the Trump administration's plans to block a migrant caravan heading toward the southern U.S. border, telling a D.C. federal court in a proposed class action Thursday that President Donald Trump's promise to deny the migrants a chance to apply for asylum violates the U.S. Constitution. Nexus Derechos Humanos Attorneys Inc., a pro bono law firm funded by immigration bond services company Nexus Services Inc., accused the U.S. Department of



Homeland Security and other agencies of violating the Fifth Amendment right to due process and the Administrative Procedure Act by deploying troops to stop the caravan from entering the country and announcing plans to detain all of the traveling migrants without bond. The lawsuit also claims that the administration's plans to hold the migrants — some of whom are children — in "tent cities" breaches the government's obligations under the Flores Agreement, a 1997 class action settlement that established protections and standards of care for children held in immigrant detention, including access to clean water and temperature control. The complaint was filed the same day that Trump held a press conference addressing the caravan, which he has painted as an "invasion," announcing his plans to end "catch-and-release" and to build "massive cities of tents" to hold migrants while they wait for their asylum hearings.

### **9th Circ. Upholds Removal Of H-1B Holder Over Visa Lapse**

[Law 360](#) [11/2/2018 7:43 PM, Suzanne Monyak] reports the Ninth Circuit on Friday upheld a removal order for a Chinese citizen who overstayed his work visa, finding that he is not eligible to adjust his status to permanent resident because he spent too many days without lawful status, even though he was authorized to work for that period. In a published opinion, the panel concluded that Xiao Lu Ma, a senior business analyst at MGM Resorts Corp., had racked up more than the 180-day grace period of days spent in the U.S. without legal permission as a result of tardy filings by a previous employer, upholding his removal order. As a result of accruing too many days of unlawful presence, under the Immigration and Nationality Act, Ma will also be barred from entering the U.S. for any reason for "at least a decade," the opinion said. According to the opinion, Ma received an H-1B visa, reserved for highly skilled workers, in 2003 to work as a computer analyst at a California law firm. In July 2006, the month before his H-1B visa was set to expire, the law firm petitioned to extend Ma's H-1B status. Ma's H-1B visa expired in August 2006, and in January 2007, U.S. Citizenship and Immigration Services denied the extension application over a lack of "suitable evidence" showing that the position was a specialty occupation.

The U.S. Department of Homeland Security initiated removal proceedings against Ma in 2010, the same year he joined MGM, the opinion said. At his removal hearing, MA said he was without lawful status for 174 days, less than the 180-day maximum, because the first 240 days after his visa expired did not count as unlawful status under another INA provision. That provision allows noncitizens petitioning for lawful status to "continue employment with the same employers for a period not to exceed 240 days" from when the petitioner's visa expires while an extension application is pending. But the immigration judge rejected those arguments, finding that the 240 days of employment authorization conferred on Ma by the INA did not count as lawful status time. The judge ordered him removed, finding that Ma had been living without lawful status from the time his visa expired until he applied to adjust his status, a period of 331 days. The Board of Immigration Appeals dismissed his appeal of the removal order, agreeing that the employment authorization time Ma had been granted, and had continued to be granted, does not count as lawful status for the purposes of status adjustment. The BIA also came to the same calculation of unlawful status time as the immigration judge.

### **[NY] Judge rules against asylum request by woman with intellectual disability being held in Batavia**

[The Batavian](#) [11/3/2018 11:06 AM, Howard B. Owens, 11K, NY] reports an East Rochester resident being held at the Buffalo Detention Facility in Batavia was denied her asylum

request following a continuation of her deportation hearing Friday morning. Immigration Judge Steve Connelly ruled that an intellectual disability, unlike mental health issues, is not sufficient grounds for asylum in the United States. While acknowledging the 21-year-old is at a 5th-grade reading level, the defense failed to prove there is persecution in Mexico of people with intellectual disabilities. Connelly found that the possibility of the step-father of Abigail Hernandez moving to Mexico to help care for her, plus the possibility of care from her grandmother or other relatives, proved she had sufficient family structure to be cared for in Mexico. Hannah Vickner Hough, representing Hernandez, has 30 days to appeal the decision. In the meantime, Hernandez will be held at the detention facility.

Reported similarly: [WXXI AM](#) [11/2/2018 4:48 PM, Randy Gorbman, 2K, NY]

**[NY] Trump's unpredictability makes it hard for immigration attorneys**

[News 12 Hudson Valley](#) [11/2/2018 4:30 PM, Staff, 6K, NY] reports it was a rough week for Vanessa Merton, an immigration lawyer in Westchester. She says the Trump administration is making it harder than it has ever been to fight for the rights of poor, immigrant families. "Every day, it's like being in a war, because you don't know what's coming today," she told News 12. Merton works at the John Jay Immigration Justice Clinic at Pace Law School. President Donald Trump has been nonstop with his attacks on immigrants at the White House and on the campaign trail ahead of the midterm elections. He's called the caravan of asylum seekers from Central America "invaders" and ordered the military to the border to stop them. He has also discussed plans to use an executive order to do away with the 14th Amendment to the Constitution, which guarantees birthright citizenship. "The unpredictability, the uncertainty and the sheer breathtaking lawlessness, it's difficult to cope with," says Merton. Merton, and many pundits, believe the president is drumming up fear as a way to persuade his supporters to head to the polls on Election Day.

**[OH] Accused murderers bound over to circuit court**

[Huron Daily Tribune](#) [11/2/2018 6:00 AM, Bradley Massman, 3K, MI] reports a pair of siblings, who are in the U.S. illegally, now each face an additional charge in connection to the murder of a 42-year-old woman. Leobardo Torres-Castillo, 20, and Francisca Vargas-Castillo, 33, each face single counts of open murder and concealing the death of an individual. Following a preliminary examination hearing this week, the brother and sister were bound over to Sanilac County Circuit Court. The Castillos were charged after law enforcement found the victim – Bricia Flores-Rivera – dead Sept. 1 in Buel Township. The victim's boyfriend called police and reported her missing from their Flynn Township home, which is where the Castillos resided as well. The U.S. Immigration and Customs Enforcement confirmed the Castillos and the victim are all citizens of Mexico and are in the U.S. illegally. If convicted, the immigration process would follow the criminal case.

**[TX] San Antonio Appeals Lawyer Closes Firm to Focus on Pro Bono Immigration Appeals**

[Texas Lawyer](#) [11/2/2018 5:21 PM, Brenda Sapino Jeffreys, 118K, TX] reports that two years ago, San Antonio appellate lawyer Timothy Patton found himself growing more and more frustrated by what he saw happening to people seeking asylum in the United States. He was appalled that people who had lived here for decades were facing deportation. Today, Patton devotes his time to pro bono immigration appeals. He recently gave up his for-profit practice, Timothy Patton P.C., having concluded that he needed to spend his time helping asylum-seekers, refugees and longtime U.S. residents appearing before the Board

of Immigration Appeals and in federal appeals courts. At age 66 and after 37 years of a successful civil appeals practice, Patton said he can afford to give up income and work for free.

#### **[MT] ACLU Sues Lincoln County**

[Newsradio 95 FM](#) [11/2/2018 11:43 AM, Staff, CT] reports that MTN News reports the Lincoln County Sheriff's Office is currently facing a lawsuit from the American Civil Liberties Union and the ACLU of Montana regarding inmate Agustin Ramon at the Lincoln County Detention Center. Ramon holds dual citizenship to France and Mexico. He was arrested on August 3 for a criminal burglary charge. His bond was posted at \$25,000, but the lawsuit claims when Ramon tried to pay his bond he was told they could not release him because of an Immigration and Customs Enforcement detainer. The ACLU of Montana argues that, once an immigrant posts bond, they must be released, according to state law. The advocacy group argues that Lincoln County Sheriff Roby Bowe must act within state law and hopes that the class-action lawsuit will end the use of ICE detainers in Lincoln County and elsewhere.

Reported similarly:

[Daily Inter Lake](#) [11/3/2018 11:06 AM, Scott Shindledecker, 6K, MT]

[KGVO-AM](#) [11/2/2018 1:47 PM, Peter Christian, 1K, MT]

#### **[OR] Asylum seekers detained in Oregon file federal lawsuit**

[Washington Post](#) [11/3/2018 4:12 PM, Associated Press] reports that two asylum seekers detained at a federal prison in western Oregon have filed a lawsuit contending the Trump administration violated religious protections. Oregon Public Broadcasting reported that Pachattar Singh and Gurpreet Singh filed the federal lawsuit Thursday saying they weren't allowed to follow customs of their Sikh religion. The lawsuit says the men were not allowed to cover their heads at the Federal Correctional Institution in Sheridan. "While detained at Sheridan, asylum-seeking detainees of the Sikh faith were denied a vegetarian diet, and many were forced to eat meat to avoid malnutrition and starvation," the lawsuit said. The plaintiffs were told to pray in their cells, but their religious beliefs do not allow them to pray in a room with a toilet, the lawsuit said. The lawsuit says those are violations of the Religious Freedom Restoration Act. Immigration and Customs Enforcement in late May sent more than 120 detainees from the U.S. southern border to Sheridan. The agency said it needed space for up to 1,600 detainees after the Trump administration announced a zero-tolerance immigration policy. Detainees were also sent to Texas, California, Washington and Arizona.

Reported similarly: [Oregon Public Broadcasting](#) [11/2/2018 7:13 AM, Conrad Wilson, OR]

## **Enforcement News**

#### **ICE, Dispelling Rumors, Says It Won't Patrol Polling Places**

[ProPublica](#) [11/2/2018 4:13 PM, Blake Paterson, 158K] reports that Immigration and Customs Enforcement officers will not patrol polling locations on Election Day, an ICE spokeswoman said in response to social media rumors of potential voter intimidation from the federal law enforcement agency. False claims that ICE is interfering at polling locations have cropped up intermittently over the past two years. In the lead-up to the 2016

presidential election, for example, an image spread on Twitter appearing to show an immigration officer arresting someone in line to vote. Concerns re-emerged last week after a wallet-sized flyer bearing the Department of Homeland Security seal, found on a sidewalk in Milwaukee, claimed that ICE officials would patrol polling stations on Election Day. Nicole Alberico, a spokeswoman for ICE, described the flyers as fake. "Rumors that ICE plans to engage in patrols or enforcement operations at polling locations are false," Alberico wrote in a statement. "Any flyers or advertisements claiming otherwise are incorrect and not sanctioned by ICE." The flyer included a phone number "to report illegal aliens" that redirected to the DHS' investigations tip line. It also included threatening language, claiming that if voters did not have proper documentation they might "risk immediate detainment."

### **Pop-up protesters continue to prevent violent felons from being deported**

[Washington Examiner](#) [11/4/2018 8:42 AM, Jason Piccolo, 567K, DC] reports that a shout of "They're separating him from his family" rang out as a protester prevented the deportation of a violent gang rapist in the United Kingdom this month. The other passengers applauded the gang rapist, not knowing the context, as law enforcement escorted him off the flight. Sudden outbursts and targeted rage are becoming the standard tactic of what I call "pop-up protesters" when they witness any legal deportations, even deportations of a convicted gang rapist. In the United States, U.S. Immigration and Customs Enforcement deports hundreds of thousands of aliens on chartered flights, but they still need to use regular international commercial flights. Per ICE, they use such factors as the alien's "country of citizenship, criminal status, and family status will influence whether they travel commercially or by charter aircraft." If an alien is being deported by ICE on a commercial flight, they have exhausted all legal remedies to remain in the United States. Thousands of times a year, on commercial flights, aliens ordered removed by an immigration Judge are deported by ICE without incident. With the "abolish ICE" movement gaining momentum since its inception this past summer, you can almost guarantee these airline deportations will be protested.

### **[NY] New York police: Saudi sisters spoke of harming themselves**

[Washington Post](#) [11/2/2018 8:25 PM, Michael R. Sisak] reports that two immigrant sisters from Saudi Arabia whose bodies washed up on the New York City waterfront, bound together with duct tape, had told people that they would rather harm themselves than go back to their home country, investigators said Friday. The bodies of Tala Farea, 16, and Rotana Farea, 23, were discovered Oct. 24 near the Hudson River, two months after they were last seen in Fairfax, Virginia, where they had been living in a shelter amid allegations that they were abused at home. Police said the sisters had been in Manhattan since Sept. 1, staying at expensive hotels and ordering in pairs of meals until a credit card they were using maxed out. A jogger said he saw them praying at a playground near the river, sitting about 30 feet apart with their heads in their hands, hours before their bodies were found, police said. New York City Police Chief of Detectives Dermot Shea said people who knew the Farea sisters in Virginia told investigators that they made statements within the last year indicating "that they would rather inflict harm on themselves – commit suicide – than return to Saudi Arabia." Shea stopped short of saying that the sisters had killed themselves but said police have "no credible information that any crime took place." The medical examiner has yet to rule on their death and the case remains under investigation, he said. The sisters' mother told detectives that the day before the bodies were discovered, she received a call from an official at the Saudi Arabian Embassy, ordering the family to leave the U.S. because her daughters had applied for asylum. The Saudi Arabian Embassy has denied talking to the family about any asylum request.

[New York Times](#) [11/2/2018 7:28 PM, Luis Ferre Sadurni and Ali Winston] reports that the leading theory police are considering is that the sisters, riven by despair, had killed themselves, but investigators have not ruled out other circumstances. The police said the girls' mother had received a call from the Saudi embassy notifying her that her daughters had requested asylum in the United States. Law enforcement officials told The Associated Press that the request had prompted the Saudi government to order the family to return home. How Saudi officials would have known about the sisters' request for asylum remains a mystery that concerns immigration lawyers and advocates.

Reported similarly:

[Washington Post](#) [11/2/2018 6:57 PM, Justin Jouvenal, 11653K]

[Washington Post](#) [11/2/2018 7:32 PM, Michael R. Sisak]

[CNN](#) [11/3/2018 8:51 AM, Jomana Karadsheh, Joe Sterling and Dakin Andone]

[CNN](#) [11/3/2018 1:45 AM, Ray Sanchez]

[Huffington Post](#) [11/2/2018 5:44 PM, Melissa Jeltsen and Rowaida Abdelaziz, 9094K]

### **[NJ] Man detained, handed to ICE by Rutgers police has yet to be deported**

[Daily Targum](#) [11/5/2018 4:00 AM, Christian Zapata, 4K, NJ] reports a South Brunswick man has not been deported after an arrest made by officers from the Rutgers University Police Department (RUPD) landed him in an Immigration and Customs Enforcement facility. RUPD confirmed that two of its officers arrested Luis Alberto Lopez on Sept. 29 in an email. He was accused of driving under the influence and handing over fake identification, according to an article from Telemundo. The email added that University policy requires it notify ICE of any person arrested for a serious crime, such as DUI, found in connection with immigration issues. Lopez said RUPD held him for approximately 10 hours before handing him over to ICE. He currently sits at an immigration prison in Elizabeth, N.J. and has been there for approximately the past month, according to Telemundo.

### **[NJ] Deported Child Sex Abuser Caught In NJ Returned To Prison**

[Daily Voice](#) [11/2/2018 11:38 AM, Jerry DeMarco, 5K, NY] reports a Salvadoran national who served 10 years for sexually abusing a 7-year-old victim snuck back into the U.S. after being deported – and was sent back to prison after authorities caught him in New Jersey.

Samuel De Jesus Corvera-Mata, 43, was sentenced earlier this week to an 18-month federal prison sentence after admitting that he illegally re-entered the country and violated the requirement that he register as a sex offender. The national Sex Offender Registration and Notification Act (SORNA) "requires all sex offenders to register and keep that registration current in each jurisdiction where the sex offender resides," U.S. Attorney Craig Carpenito said. Federal authorities deported Corvera-Mata to El Salvador after he completed a 10-year prison sentence in California for "Committing multiple lewd and lascivious acts upon a seven-year-old child," Carpenito said. He slipped back into the U.S. before he was captured in Camden County in October 2017, the U.S. attorney said. Carpenito credited special agents of U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations and the U.S. Marshals Service for their work in the case, prosecuted by Assistant U.S. Attorney Gabriel J. Vidoni of his Criminal Division in Camden.



**[TN] ICE arrest in Knoxville's El Charro family sparks social media campaign of support**

[Knoxville News Sentinel](#) [11/5/2018 6:09 AM, Travis Dorman, TN] reports federal immigration authorities on Thursday arrested a woman whose family owns El Charro, a Mexican restaurant that has been a Knoxville institution for decades, triggering a social media campaign in support of her. U.S. Immigration and Customs Enforcement agents arrested Claudia Quintero-Medellin after an "identity fraud investigation" by ICE, the Tennessee Highway Patrol and the Tennessee Alcoholic Beverage Commission, according to ICE spokesman Bryan Cox, who said he didn't have further details about the case Sunday. News of the arrest began to circulate on social media after Lynn Bates wrote a Facebook post Saturday night in support of Quintero-Medellin and her family. On Thursday, Bates wrote, ICE agents showed up at Quintero-Medellin's house, "flashed their badges, handcuffed her and took her away — all in front of her son." Bates believes Quintero-Medellin has a green card and is a legal permanent resident. Quintero-Medellin is currently being held at the DeKalb County Detention Center in Alabama. Bates said the family believes she will soon be taken to another detention center in Louisiana.

**[GA] Mom who has son with autism fighting against deportation**

[11 Alive](#) [11/3/2018 12:47 AM, Elwyn Lopez and Donesha Aldridge, 71K, GA] reports that 20 years ago, a woman came to the United States from Mali, West Africa and fell in love with a U.S. Army veteran. They had a son who has severe autism. Earlier this year, the father died. Now, the woman, who is undocumented, is fighting deportation because she doesn't think her son, Ishamel, can get the treatment he needs in West Africa. Djenebou is current behind bars in Lovejoy, waiting to be deported. "Everything that happened was because we were thinking about life, we weren't thinking about paperwork," said Djenebou's sister, Ramata. "We were not concentrating on documents. We were thinking about the baby's life, her life."

Ramata said her sister came to the U.S. two decades ago on a visa, which is now expired. Recently, Djenebou got a letter from the Immigration and Customs Enforcement asking her to come in for an interview. "They said, well, we have to deport you, and she said I want to stay with my child, my child is very sick," Ramata said. In a statement ICE told 11Alive "a federal immigration judge previously granted Ms. Sissoko's request to voluntarily depart the U.S. in lieu of removal in January 2009. However, Ms. Sissoko subsequently remained in the country unlawfully as an immigration fugitive for nine years until her arrest this month after her request for a stay of removal was denied."

**[FL] If former death row inmate Clemente Aguirre-Jarquin wins freedom, he could face uphill battle against deportation**

[Orlando Sentinel](#) [11/2/2018 6:00 AM, Michael Williams, 245K, FL] reports even if Clemente Aguirre-Jarquin is absolved in the murders of Cheryl Williams and Carol Bareis, his future remains uncertain. The undocumented Honduran immigrant, who was sentenced to death in 2006 before his conviction was overturned by the Florida Supreme Court, is expected to make an asylum claim if he is acquitted or if charges are dropped in his second trial, his lawyers say. But a successful asylum claim for Aguirre-Jarquin would be an uphill battle, according to attorneys who specialize in immigration law. Aguirre-Jarquin, 38, has maintained his innocence since the 2004 killings. He claims he walked into his next-door neighbors' trailer looking for beer after a night of drinking, found the bodies of Williams and Bareis and left without calling police. While being interviewed after the killings, Aguirre-

Jarquín told a detective he came to the United States unauthorized, crossing the border in Texas in March 2003. He said he didn't call authorities after discovering the bodies because he feared deportation.

Aguirre-Jarquín grew up in an area of Tegucigalpa, Honduras, with a prolific gang presence. His lawyers say Aguirre-Jarquín personally witnessed at least three murders in his adolescence and watched police dump the body of a childhood friend in front of his mother's house after the friend was killed. Even if Aguirre-Jarquín has a well-founded fear of gang violence if he were to return to Honduras, that may not necessarily be enough for him to make a successful asylum claim, said Henry Lim, an Orlando-based immigration attorney. This summer, Attorney General Jeff Sessions enacted a policy that severely limits who may be granted asylum. The July memo said claims relating to gang violence or domestic abuse "Will not establish the basis for asylum, refugee status or a credible or reasonable fear of persecution" if such violence is committed by non-government actors. That policy would preclude those who are seeking asylum because of fear of gang violence, such as Aguirre-Jarquín, said John Gihon, an immigration attorney who used to represent U.S. Immigration and Customs Enforcement in court.

#### **[FL] Immigration meeting pushed back for Palm Beach restaurant manager facing deportation**

[Palm Beach Post](#) [11/2/2018 4:56 PM, Ian Cohen, 128K, FL] reports that Francisco Javier Gonzalez, the Palm Beach restaurant manager facing deportation, received another extension from U.S. Immigration and Customs Enforcement this week, according to his lawyers. Gonzalez's next scheduled appointment with ICE is Jan. 14. Gonzalez, who works at Pizza Al Fresco, was initially scheduled to meet with ICE in its Miramar office on Monday morning to hear an update on his immigration status. Instead, he and his attorneys — Boynton Beach-based Richard Hujber and Miami-based Rebeca Sanchez-Roig — will have an additional two months to hear back from a federal court regarding Gonzalez's status. His lawyers filed a petition in federal court in July requesting that the court prevent ICE from taking Gonzalez into custody.

Gonzalez's battle with immigration officials has lasted for years and stems from an incident about 16 years ago, when he entered the United States with what he thought was a valid visa. Gonzalez, now 37, was deported and issued a five-year ban, but he and his lawyers have said that Gonzalez was never informed of the ban. Since then, Gonzalez has lived and worked in Palm Beach County, applied for and received a driver's license, a Social Security card, married his U.S.-born wife and fathered three children. He has no criminal history. An online petition opposing his deportation has garnered more than 134,000 signatures. In June, more than 100 people came to the Worth Avenue restaurant where Gonzalez works to show support for him.

#### **[OH] Copley couple torn apart by deportation**

[Akron Beacon Journal](#) [11/4/2018 8:46 AM, Rick Armon, OH] reports that Demetry Furman meant it only as a joke. The Ohio Bureau of Motor Vehicles called to tell him to show up at the Medina office on Aug. 1 to pick up the paperwork for his new truck. During an earlier visit to an agency location in Columbus, where he bought the vehicle, his name had been flagged in the system and his papers kept. Furman, 47, a former Canadian military officer who served in Afghanistan and lived quietly in Copley Township, turned to his wife, Cindy, and kidded that U.S. Immigration and Customs Enforcement agents would be waiting for

him. He was right. Demetry was arrested on the spot, jailed for more than two months and deported to Canada two weeks ago as part of the country's zero-tolerance immigration policy.

Demetry, at the age of 21, had been convicted of a marijuana trafficking charge in Saskatoon, Saskatchewan. Although he was pardoned for the crime in 2002 by the Parole Board of Canada, went on to serve in the Canadian military alongside U.S. soldiers and has lived a quiet, law-abiding life here for years, he was considered an aggravated drug felon by U.S. immigration officials and expelled from the country. The Furmans, torn apart by the deportation, now are crying foul over what happened and how he was treated, especially because they say he had been following the advice of immigration officials as he sought his green card, which would allow him to live and work permanently in the United States. ICE spokesman Khaalid Walls declined in an email to "discuss any past criminal convictions for privacy reasons." But he said another factor in the deportation was Demetry pleading guilty to a federal offense of trying to illegally enter the United States in March 2013. He was caught hiding in Cindy's trunk at the Peace Bridge in Buffalo and immediately was returned to Canada. At the time, according to an affidavit from a border officer, Cindy admitted that she knew Demetry, who was then her boyfriend, wasn't permitted in the country because of the drug conviction.

**[MI] 'Fugitive' immigrant takes refuge in Ann Arbor church: 'I don't want to do die'**  
[Grand Valley Advance](#) [11/2/2018 5:53 PM, Dana Afana, 531K, MI] reports a Guinean immigrant with an inherited disease has taken refuge in a local church to avoid deportation. Mohamed Soumah, 44, suffers from a genetic kidney disease and was hospitalized on Friday, Oct. 19, the day he was to report to Immigration and Customs Enforcement agents at the airport to catch a flight to his home country, Guinea. He has since taken sanctuary at Ann Arbor Friends Meeting House after a social worker called the Quaker church to share Soumah's situation. Members met with him in the hospital and decided to take him in. Soumah was admitted to the U.S. into 2002, according to an ICE spokesperson, and "violated the terms of his admission by remaining in the U.S. beyond his authorized term." In 2011, an immigration judge ordered him removed, but he was placed on supervision because the agency was "unable to obtain a travel document from his home country," the spokesperson said. He is now considered a "fugitive." "In an exercise of discretion, ICE had previously allowed Mr. Soumah to remain free while arrangements were being made for his departure from the U.S.," ICE said in a statement. "Mr. Soumah failed to report as instructed for his removal and is now considered a fugitive alien."

**[MI] Man who needs dialysis to survive given sanctuary to stay in U.S.**  
[Michigan Public Radio](#) [11/4/2018 8:31 PM, Tracy Samilton, 24K, MI] reports a man originally from Guinea has been given sanctuary by Quakers in Ann Arbor, after an immigration judge ordered him deported. Mohamed Soumah has lived in the U.S. for 15 years. In 2011, he was ordered deported after overstaying his visa, but Immigration and Customs Enforcement officials say they weren't able to deport him because they couldn't obtain a travel document from Guinea. "In an exercise of discretion, ICE had previously allowed Mr. Soumah to remain free while arrangements were being made for his departure from the U.S. Mr. Soumah failed to report as instructed for his removal and is now considered a fugitive alien," a statement from ICE reads.

**[MI] University employee seeks refuge in Ann Arbor church to avoid deportation**

[Michigan Daily](#) [11/5/2018 8:05 PM, Remy Farkas, 16K, MI] reports Mohamed Soumah, a University of Michigan custodian, is currently seeking refuge in the Ann Arbor Friends Meeting House to avoid deportation – he requires frequent dialysis due to a genetic kidney disease, and says he will die if deported. Soumah has lived in the U.S. for 15 years after immigrating from Guinea, and has been employed with no past criminal history. He was married to a U.S. citizen with whom he has two children, who are also both citizens. Following their divorce, which invalidated the protection granted by marrying a citizen, Soumah has applied and been approved annually for U.S. work visas. In an interview with MLive, Soumah said Guinea lacks the necessary equipment and training to provide him with dialysis three times per week. "If I get deported, I will die," he told MLive. Soumah came to the United States in 2002, but was declared a fugitive alien by Immigration and Customs Enforcement agents for staying beyond his term.

**[IA] Illegal Immigrant Living in Hopkinton Sentenced to Prison**

[KMCH](#) [11/4/2018 5:00 AM, Janelle Tucker, IA] reports an illegal immigrant living in Hopkinton has been sentenced to three months in prison for illegally re-entering the United States. 35-year old Boris Martines-Garcia, a citizen of El Salvador, has pleaded guilty last month to one count of illegal re-entry into the U.S. Martines-Garcia admitted he had previously been deported from the U.S. in 2006 and illegally came back into the country without the government's permission. He was found by immigration agents in July after he was stopped for speeding in Delaware County. Martines-Garcia was sentenced to 100 days in prison. He must also serve a one-year term of supervised release after his prison term.

**[TX] Boston Marathon bomber's friend deported to Kazakhstan**

[FOX News](#) [11/2/2018 8:27 AM, Staff] reports immigration officials say a college friend of Boston Marathon bomber Dzhokhar Tsarnaev has been deported to his native Kazakhstan after he was convicted of concealing evidence in the case. Dias Kadyrbayev was sentenced in 2015 to six years in prison for removing items from Tsarnaev's dorm room at the University of Massachusetts-Dartmouth, after recognizing Tsarnaev in photos released by the FBI days after the 2013 bombing. Prosecutors have said there was no evidence he knew about the bombing in advance. He's been in the custody of the U.S. Immigration and Customs Enforcement in Texas since August, when he was transferred from federal prison. The agency says Kadyrbayev was deported and released from ICE custody on Oct. 24 at the Almaty International Airport in Kazakhstan.

Reported similarly: [MassLive](#) [11/2/2018 8:52 AM, Michelle Williams, 167K, MA]

**[CA] 'I feel blessed': Deported Cambodian refugee from Sacramento returns home to family**

[Sacramento Bee](#) [11/4/2018 5:00 AM, Alexandra Yoon-Hendricks, 313K, CA] reports that six months after he was deported to Cambodia, a country he has never visited and a place his family fled as refugees more than two decades ago, Phorn Tem returned Friday to the United States and his waiting family. It was a surprise to his mother, Run Nhei, who thought she was at the San Francisco International Airport to meet a Cambodian embassy official. When Tem appeared at the arrivals gate, she wept. "My son is here," she whispered in her native Khmer as she kissed and hugged her eldest child for the first time in months. Tem, 33, said he was "too tired to cry right now," after an 11-hour flight from Taipei. Last fall, Sacramento resident Tem was one of about 15 Cambodian nationals with criminal convictions detained for deportation in Northern California by federal immigration authorities

during a nationwide sweep of between 100 and 200 individuals. Advocates describe the roundup as the largest targeted sweep of Cambodian nationals, many of them refugees, ever conducted by ICE. A federal class action lawsuit filed last year arguing the arrests are illegal is ongoing.

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Tuesday, Nov. 6, 2018**

## **Policy and Legislative News**

1,100 Migrants Apprehended Daily  
Along U.S.-Mexico Border, Say Feds... 2

Pence says caravan symptom of bigger  
border problem..... 2

Migrant caravan rests, regroupes in  
Mexico City..... 3

Pentagon balked at U.S. border troops  
building detention facilities – officials.... 3

Trump's border deployments could cost  
\$220 million as Pentagon sees no  
threat from migrant caravan..... 4

Trump is right on the national security  
threat from caravans ..... 5

U.S. has every reason to turn the  
caravan away ..... 5

What happened to the last migrant  
caravan..... 5

Cubans heading to U.S. border worried  
the caravan will hurt their political  
asylum quest ..... 6

Obama Condemns Trump's Response  
to Migrant Caravan As a 'Political Stunt'  
..... 6

Even without a wall, we have the tools  
to end chaos at the border ..... 7

The Border Is A Dark Zone For  
Government Accountability.....7

NBC, Fox and Facebook Stop Running  
Trump Caravan Ad Criticized as Racist7

Along The Southwest Border, Shelters  
and Churches Scramble To House  
Migrant Families.....8

Federal agencies unprepared:  
Government report shows DHHS  
scrambled to deal with separation of  
immigrant families.....8

John Oliver Disgusted By Trump's  
'Cruel, Sloppy, Needless, Racist' Family  
Separation Policy.....9

'Catch-and-release' continues despite  
Trump's claims.....9

It's Not Easy to Predict How  
Immigration Will Affect the Midterms.....9

20 GOP attorneys general plead to  
congressional leaders to preserve ICE  
hours before midterm elections..... 10

[TX] 270K Criminal Aliens Booked into  
Texas Jails in 7 Years, Says State..... 10

[WA] Did ICE Retaliate Against Inmate  
Over Seattle Weekly Report? ..... 10

[CA] ICE moves to silence detention  
center volunteer visitors..... 11

## Legal News

Justice Department asks Supreme Court to hear DACA cases this term ...	11
Immigrant Youth Fight Detention Rule Proposed By Trump .....	12
Attorney general tries to take away the right to bond hearings .....	13
[NJ] Former Detainee Sues ICE Agents for Medical Neglect.....	13
[PA] High court won't hear challenge to get-tough immigration policy .....	14
[VA] 'Presumed innocent': Defense calls Oswaldo Martinez's detention unconstitutional .....	14
[TN] Immigration board rejects appeal from Memphis Spanish-language reporter Manuel Duran .....	14
[FL] Death row inmate freed from prison after 14 years thanks to new DNA evidence.....	14
[TX] U.S. Citizen Kidnapped by Cartel After Being Wrongfully Deported by Border Patrol, Legal Claim Says .....	15

[MT] Lawyer comments on ACLU suit over jailing of immigrant in Lincoln Co.	16
[WY] Wyoming Federal Judges Sentence Three; One Defrauded Stores For \$220,000 .....	16
[AZ] Motel 6 Would Pay Guests \$6.6M Over Info Sent To ICE .....	16

## Enforcement News

[CT] Couple returning from church sanctuary find business destroyed .....	17
[MD] Brunswick police: Man lied about his name, had fake green card after arrest on drug charges .....	17
[DC] Teacher facing deportation returning to classroom after having case reopened by immigration services.....	17
[SC] Suspected illegal immigrant in Clover accused of beating daughter, 16, police said .....	18
[CA] Man deported twice, found in Tulare County, faces 20 years in prison .....	18

## Policy and Legislative News

### 1,100 Migrants Apprehended Daily Along U.S.-Mexico Border, Say Feds

[Breitbart](#) [11/5/2018 1:43 PM, Bob Price, 2405K] reports Border Patrol agents apprehended an average of nearly 1,100 migrants along the U.S.-Mexico Border every day in the past fiscal year. During the most recent month, that number jumped to nearly 1,400. During Fiscal Year 2018, U.S. Border Patrol agents assigned to the nine southwest border sectors apprehended an average of nearly 1,100 migrants per day. Of those, approximately 430 were listed as unaccompanied minors or family units, according to the Fiscal Year 2018 Southwest Border Migration Report from U.S. Customs and Border Protection. Border Patrol agents apprehended 396,579 illegal immigrants who crossed the border between ports of entry during the most recent fiscal year. Included in that number were 50,036 Unaccompanied Alien Children – 137 per day – and 107,212 Family Unit Aliens – 293.73 per day – officials reported.

### Pence says caravan symptom of bigger border problem

[The Hill](#) [11/5/2018 2:20 PM, Julia Manchester] reports that Vice President Pence in an interview that aired Monday on "Rising" said the caravan of Central American migrants moving toward the U.S. southern border is symptomatic of the country's larger problem with immigration. "Let's recognize that we have a crisis with illegal immigration," Pence told

Hill.TV's Buck Sexton on Friday. "On any given day, we have more than a thousand people attempt to get into this country illegally, and the truth of the matter is, Democrats on Capitol Hill have opposed building a wall, opposed closing the loopholes that human traffickers use to entice vulnerable families to make a long and dangerous journey north," he continued. "What President Trump has been committed to from candidate two years ago to his presidency over the past two years is to build that wall, which we've begun, but ultimately to fix this broken immigration system," he said.

"The latest caravan is just the latest reminder to the American people of how much we need to address this crisis, and we really believe with renewed Republican leadership in the House and in the Senate, and with Republican leadership in statehouses around the country, we'll be able to bring together the support necessary to end this crisis of illegal immigration once and for all," he said. Trump has pushed the issue of immigration into the spotlight ahead of the midterms as a means of rallying his Republican base to the polls, pointing specifically to the caravan, which he says is an invasion. The president also said last week that he may send as many as 15,000 troops to the border. The caravan split into several groups and the majority is currently traveling through a notoriously dangerous route. Mexican authorities have said that roughly 3,000 immigrants from the first caravan have applied for refuge in Mexico, while hundreds more have turned back. A total of 6,000 migrants are traveling through the country, bound for the U.S. border. [Editorial note: consult source link for video]

#### **Migrant caravan rests, regroups in Mexico City**

[Breitbart](#) [11/5/2018 3:03 PM, Staff, 2405K] reports a caravan of Central American migrants that has drawn near-daily Twitter tirades from President Donald Trump ahead of the US mid-term elections rested and regrouped Monday at a stadium-turned-shelter in Mexico City before pressing on. With their sights set on reaching the United States, some 5,000 migrants, mainly from violence-plagued Honduras, El Salvador and Guatemala, are expected to converge on Mexico City in the coming days and then continue their northward trek, authorities said. The first 470 arrived Sunday in Mexico City and spent the night at a stadium on the capital's east side, where authorities have set up a large camp to host them and provide food and water. By late Monday morning, some 2,000 people had arrived at the camp, with 3,000 more expected to arrive by Wednesday as the fragmented caravan regroups after dispersing across the states of Puebla in central Mexico and Veracruz in the east, according to Mexico's National Human Rights Commission. Two other large groups of Central American migrants comprising between 3,000 and 4,000 people in all are currently making their way across the southern Mexican states of Chiapas and Oaxaca, the National Human Rights Commission said. Another 3,230 Central Americans who were traveling in caravans have requested asylum in Mexico, according to the interior ministry.

Reported similarly: [MSN News](#) [11/5/2018 8:36 PM, Yussel Gonzalez, 55864K]

#### **Pentagon balked at U.S. border troops building detention facilities – officials**

[MSN News](#) [11/5/2018 12:38 PM, Phil Stewart, 55864K] reports that the Trump administration discussed using the U.S. military to build facilities to house detained migrants as part of its new mission on the Mexican border but the idea was dropped after the Pentagon expressed doubts about it, U.S. officials said. The disclosure by U.S. officials, who spoke to Reuters on condition of anonymity, illustrates the tension within the administration over using military resources to fortify the border against illegal immigration,

a top election issue for President Donald Trump's base. Last week, the military announced that over 7,000 troops would go to the border with Mexico as a caravan of Central American migrants slowly heads toward the United States. The U.S. military declined a draft request from the Department of Homeland Security last month to build housing for detained migrants during early discussions in the Trump administration about the military's role on the border, the officials said.

By voicing its opposition, the Pentagon helped ensure that its mission was tailored to only providing support to U.S. government personnel on the border, U.S. officials said. After initial discussions about the issue, there was no mention of troops building migrant housing facilities when the DHS later made a formal request to the Pentagon for help on the border, the officials said. Trump then said last week he plans to build tents to house migrants, who would be held in those facilities while the U.S. government weighs their asylum request.

Reported similarly: [The Hill](#) [11/5/2018 1:13 PM, Ellen Mitchell, 2630K]

**Trump's border deployments could cost \$220 million as Pentagon sees no threat from migrant caravan**

[CNBC](#) [11/5/2018 2:45 PM, Amanda Macias] reports President Donald Trump's move to deploy troops to the U.S.-Mexico border is so far shaping up to have a cost of \$220 million, according to two U.S. defense officials who were not authorized to speak publicly. The initial cost estimate, a figure that could change based on the ultimate size and scope of the mission, comes as nearly 4,000 troops moved to the border Saturday as Trump has repeatedly warned of a caravan of migrants from Central America. In a briefing Monday the Pentagon said it had no cost estimate at the moment. In mid-October, a caravan of at least 3,500 Central American migrants seeking asylum left Honduras for the United States border. Trump has made the caravan one of his prime targets as he campaigns for Republicans down the stretch of the midterm election campaign. The Department of Defense estimates that more than 7,000 troops will be positioned in California, Arizona and Texas in support of the Department of Homeland Security and Customs and Border Protection. In which case, the border mission, dubbed Operation Faithful Patriot, will have a larger U.S. military footprint than the combined efforts in Iraq and Syria.

[CNN](#) [11/5/2018 9:24 PM, Katie Sullivan and Ryan Browne] reports Chairman of the Joint Chiefs of Staff Gen. Joseph Dunford said Monday that the U.S. military will not be "involved in the actual mission of denying people entry to the United States." When asked about the border mission for active-duty troops, Dunford said the military will not be coming into contact with migrants traveling toward the border. "There is no plan for U.S. military forces to be involved in the actual mission of denying people entry to the United States," Dunford said, speaking at an event at Duke University in Durham, North Carolina. "There is no plan for soldiers to come in contact with immigrants or to reinforce Department of Homeland Security as they're conducting their mission." "We are providing enabling capabilities," Dunford said, explaining they were tasked with supporting the DHS. Just before the midterm elections, President Donald Trump ordered thousands of troops to the southern border to guard against what he has called an "invasion" by a group of migrants heading north through Mexico to the United States. Despite Trump's unsubstantiated claim that the group of Central American migrants includes "gang members and some very bad people," most of the migrants reportedly plan to apply for asylum once they arrive at the border, following legal procedures.

### **Trump is right on the national security threat from caravans**

[The Hill](#) [11/5/2018 7:00 PM, Jan Brewer, 2630K] reports a growing caravan from Central America is making its way to our border, and a second is following in its footsteps. The first wave of invaders marches proudly under the flag of Honduras, a nation many of them ostensibly find so abhorrent that they are willing to walk the entire length of Mexico to escape it. President Trump has pledged that he will deploy the military to defend our territory, but the Democrats are demanding that we throw open the gates and let the hordes through unchecked. The migrants frequently profess that they are hoping for a better life in the United States, yet the very first action many of them will take upon reaching American soil will be criminal in nature. Others plan to exploit a loophole in our immigration law by reciting a script that will guarantee them an asylum interview. In both cases the one thing they will not be doing is going through normal legal immigration channels.

### **U.S. has every reason to turn the caravan away**

[New York Post](#) [11/5/2018 7:48 PM, Betsy McCaughey, 3705K, NY] reports that former President Barack Obama is ridiculing President Trump and Republicans for vowing to stop the caravan of 4,000 Central American migrants heading toward our border. Republicans are "trying to convince everybody to be afraid of a bunch of impoverished, malnourished refugees," says Obama. Democrats are also claiming the U.S. has to let the migrants in, because they're seeking asylum. Trump's critics portray migrants as families fleeing for their lives.

The [Washington Times](#) [11/5/2018 5:44 AM, Jennifer Harper, 547K, DC] reports that an Economist/YouGov poll has new insight about American attitudes towards the massive Honduran immigrant "caravan" as it approaches the U.S. southern border. "More than a quarter of Americans think everyone in the caravan should be turned away at the border," reported Kathy Frankovic, a YouGov analyst. Specifically, the survey found that 28 percent would "reject all of the immigrants"; 56 percent of Republicans — but only 9 percent of Democrats — agreed with that. There were also conditional responses: 38 percent would accept only those who have a valid claim for asylum and would "reject the rest." Close to half of Democrats — 47 percent — liked that idea, along with a third of Republicans. The poll also revealed that only 16 percent of Americans overall would accept all the caravan's immigrants, a decision shared by 27 percent of Democrats but only 6 percent of Republicans. The White House effort to tap into the U.S. military also has "more support than opposition," the poll said. It found that 44 percent of Americans overall approve of President Trump's decision to send troops to the U.S./Mexico border; only a third disapprove of the idea and the rest are neutral or undecided about it. A sizable majority of Republicans — 87 percent — approve of those troops, but only 15 percent of Democrats. "Republicans are more likely than others to see Middle Eastern terrorists in the migrant caravan: 55 percent believe at least 'some' of the marchers are terrorists," Ms. Frankovic said in her analysis. "Democrats and independents are more likely to think 'very few' or 'none' of the marchers fit that description."

### **What happened to the last migrant caravan**

[San Diego Union-Tribune](#) [11/5/2018 8:15 PM, Kate Morrissey, 291K, CA] reports as a caravan of migrants makes its way through southern Mexico, most members of the last migrant caravan that arrived in the spring are still waiting for their immigration cases to be decided, according to Pueblo Sin Fronteras, the organization that led the earlier group. That caravan drew the ire of the Trump administration with several high-ranking officials coming



to the California border to denounce the caravan's plans to come to the U.S. One of those officials, Attorney General Jeff Sessions, announced the beginning of the zero tolerance policy, which led to mass family separations, when he came to San Diego to show his opposition to the caravan.

The administration has responded to the current caravan with active military deployed to the southwest border and threats to close off the border to asylum seekers. The administration has long pushed for changes in asylum processing that would keep children in custody longer and restrict who is eligible for protection. Out of the several hundred caravan members who applied for asylum at the U.S.-Mexico border in early May, three people have won their asylum cases, and two have lost, according to Alex Mensing of Pueblo Sin Fronteras.

### **Cubans heading to U.S. border worried the caravan will hurt their political asylum quest**

[Miami Herald](#) [11/5/2018 7:47 PM, Mario J. Pentón, 610K, FL] reports that dozens of Cubans heading for the U.S.-Mexico border say they are afraid that the caravan of Central American immigrants could block their own entry into the United States. "We're fleeing the Cuban regime. I don't want to belong to the Union of Young Communists or join any marches. I don't believe in communism and I am not interested in their politics, which is a farce," said Eddy Gonzalez, 29, by phone from the Mexican city of Ciudad Juarez, on the border with El Paso, Texas. "We don't want to arrive with the caravan. It's simply a coincidence; the time we have the opportunity to travel," he said. [Editorial note: consult source link for video]

[KVEO-TV](#) [11/5/2018 7:24 PM, Staff, 4K, TX] reports that Cubans, along with others from the African country of Cameroon, have been waiting for weeks for the okay to get asylum in the United States. Thousands of Cubans have been trying to seek asylum for months. For years they got asylum automatically under the "wet foot, dry foot" policy. The policy was canceled near the end of the Obama Administration. Now they must go through regular channels to enter the country legally.

### **Obama Condemns Trump's Response to Migrant Caravan As a 'Political Stunt'**

[Newsweek](#) [11/5/2018 10:54 AM, Chantal Da Silva, 1720K] reports that former President Barack Obama derided his successor on Sunday, accusing President Donald Trump of using news of the Central American migrants making their way to the U.S. to seek asylum as a "political stunt" before this week's midterm elections. "Two weeks before this election, they're telling us the single most grave threat to America is a bunch of poor, impoverished, broke, hungry refugees a thousand miles away," Obama told supporters at a rally for Democratic Senator Joe Donnelly in Gary, Indiana. By Monday morning, some of the members of the first caravan to leave Central America had made their way to Mexico City, which is roughly 580 miles from the nearest U.S. port of entry, in McAllen, Texas. Already the Trump administration had begun deploying troops to the southern border in anticipation of their arrival. Trump had denied widespread accusations that he and his administration had exploited the immigration issue in a bid to distract voters and garner support before Tuesday's election. Earlier this month, he said his focus on immigration had nothing to do with the election, that he had been fighting "to have strong borders" before he "ever thought of running for office."

### **Even without a wall, we have the tools to end chaos at the border**

[Washington Examiner](#) [11/6/2018 12:00 AM, Deena Flinchum, 567K, DC] reports a caravan of thousands of migrants from Honduras, Guatemala, and El Salvador is headed north toward the southern border of the United States. Their end goal? Eventual "asylum" status within our borders. This surge in unfettered immigration is the new normal. The number of families arrested for unlawfully crossing the southern border spiked nearly 40 percent between July and August. So far this year, the Border Patrol has apprehended more than 350,000 illegal immigrants. The chaos at the border will continue unless Congress reforms our warped asylum and employment laws, which entice people to illegally journey to the United States.

### **The Border Is A Dark Zone For Government Accountability**

[Huffington Post](#) [11/5/2018 3:54 PM, Jesse Franzblau, 9094K] reports sometime in the coming weeks, an asylum-seeking migrant caravan will be met by thousands of U.S. troops at the southwestern border. The administration has kept the cost of the deployment under wraps, although a former chairman of the Joint Chiefs of Staff called the operation "wasteful." Worse, President Donald Trump's head nod to troops to use deadly force against any rock-throwing migrants stokes tension at the border, where agents have already killed at least 97 people – citizens and noncitizens alike – over the last 15 years under opaque use-of-force policies. Now the military presence will only complicate an already fraught situation at the border, and the president's comments add to a culture of government secrecy and misinformation, fueling fear and abuse at taxpayers' expense. Border observers for years have found that a lack of accountability and oversight has enabled agents to abuse power and kill unarmed civilians in episodes that remain shrouded in secrecy. Secretary of Homeland Security Kirstjen Nielsen, in particular, has become known for hiding the truth behind the administration's border enforcement policies. Far too often, the administration hides the truth behind our country's immigration policy and the fate of those seeking safety by ignoring obligations.

### **NBC, Fox and Facebook Stop Running Trump Caravan Ad Criticized as Racist**

[New York Times](#) [11/5/2018 1:00 PM, Niraj Chokshi and Daniel Victor] reports that an ad created by President Trump's campaign committee tying together Democrats, a notorious murderer and a caravan of asylum-seeking migrants in Mexico embroiled NBC in controversy overnight, prompting the network to backpedal and pull it from the air. Critics had denounced the ad as false and inflammatory, and CNN had refused to broadcast a longer version, calling it racist. But NBC put it up during the ratings giant "Sunday Night Football." "After further review we recognize the insensitive nature of the ad and have decided to cease airing it across our properties as soon as possible," NBCUniversal said in a statement. Even Fox News, which has made the caravan a staple of its midterm elections coverage, announced that it had decided on Sunday to stop running it, and Facebook removed the ad, which had been targeted at users in key electoral battlegrounds, like Florida and Arizona. Mr. Trump, speaking to reporters on Monday before boarding Air Force One, said he was unaware of the controversy. "You're telling me something I don't know about," he said. "We have a lot of ads and they certainly are effective, based on the numbers that we're seeing." Mr. Trump also dismissed the complaints over the ad. "A lot of things are offensive," he said. "Your questions are offensive a lot of time, so, you know."

The 30-second ad that aired on NBC was paid for by Donald J. Trump for President and stirred fear about a migrant caravan of asylum-seekers slowly making its way through

Mexico that is still hundreds of miles from the United States border. It tied Luis Bracamontes, an undocumented Mexican immigrant who was convicted of murdering two Sacramento sheriff's deputies in 2014, to the thousands of migrants who are fleeing Central America, even though Mr. Bracamontes is not known to have any association with the caravan. Mr. Trump has used the specter of the caravan crossing the United States border as a central campaign theme, describing it as an "invasion of our country" to stoke anxieties about immigration. He has ordered more than 5,000 active-duty troops to the border in preparation for the migrants' expected arrival in the coming weeks. The caravan was once said to have 7,000 people, but more recent estimates put the number at fewer than 3,500.

Reported similarly:

[New York Times](#) [11/5/2018 11:11 PM, Michael M. Grynbbaum and Niraj Chokshi]

[Washington Post](#) [11/5/2018 1:16 PM, John Wagner]

[Reuters](#) [11/5/2018 1:45 PM, Staff]

[The Hill](#) [11/5/2018 1:00 PM, Emily Birnbaum]

[The Hill](#) [11/5/2018 1:27 PM, Ali Breland]

[Politico](#) [11/5/2018 1:40 PM, Matthew Choi]

[CNN](#) [11/5/2018 3:06 PM, Brian Stelter and Oliver Darcy]

[Huffington Post](#) [11/5/2018 1:31 PM, Lydia O'Connor, 9094K]

[Huffington Post](#) [11/5/2018 3:02 PM, Jenna Amatulli, 9094K]

[Newsweek](#) [11/5/2018 2:20 PM, Jessica Kwong]

[Fortune](#) [11/5/2018 1:45 PM, Staff, 1201K]

[Axios](#) [11/5/2018 1:00 PM, Staff]

[People](#) [11/5/2018 5:21 PM, Maura Hohman, 3142K]

[New York Post](#) [11/5/2018 2:50 PM, Bob Fredericks, 3705K, NY]

[The Daily Caller](#) [11/5/2018 1:08 PM, Amber Athey, 909K, DC]

[The Daily Caller](#) [11/5/2018 2:16 PM, Saagar Enjeti, 909K, DC]

### **Along The Southwest Border, Shelters and Churches Scramble To House Migrant Families**

[NPR](#) [11/5/2018 1:02 PM, Mallory Falk] reports earlier this week President Trump said his administration is no longer releasing migrants from custody. "We're going to catch," he said. "We're not going to release." But that's not what's happening along the southwest border. Although overall apprehension numbers were down a bit last year, the number of migrant families apprehended there by immigration agents is reaching record numbers. The influx is straining capacity at immigration holding cells and detention facilities. Starting a few weeks ago, Immigration and Customs Enforcement began releasing hundreds of families from custody. The sudden releases are putting an enormous strain on nonprofits and communities along the border. In the past, in some border communities – like El Paso, Texas – ICE either helped families arrange transportation to sponsors around the U.S. before they released them, or released families directly to local shelters and churches. If those shelters didn't have enough space, some families remained in custody until there was room. Now ICE is no longer helping families with travel plans and is releasing them from custody regardless of whether shelters can accommodate them. Advocates worry that means some families may simply end up on the street, and are scrambling to find more housing and volunteers.

### **Federal agencies unprepared: Government report shows DHHS scrambled to deal with separation of immigrant families**

[Dallas Examiner](#) [11/5/2018 12:55 PM, Teo Armus, TX] reports that federal agencies did not plan for the potential increase of children who were separated from their parents during "zero tolerance." According to the U.S. Government Accountability Office report, released Tuesday in response to a request from U.S. Rep. Frank Pallone, D-N.J., said the agencies' unpreparedness created "challenges to reunification." As of Oct. 15, nearly 250 separated children had not yet been reunified. The report was written based on interviews with officials from five offices across the Homeland Security and Health and Human Services departments, as well as visits in late July and early August to government shelters housing migrant children in Arizona and Texas.

### **John Oliver Disgusted By Trump's 'Cruel, Sloppy, Needless, Racist' Family Separation Policy**

[Gothamist](#) [11/5/2018 1:01 PM, Ben Yakas, 235K, NY] reports John Oliver is an expert at mixing serious journalism and silly comedy in the pursuit of creating informative but entertaining political coverage on Last Week Tonight-but every once in a while, the balance of humor to disgust tips one way. Last night, he was at his most disappointed and disgusted with the Trump administration as he covered Trump's pre-midterms anti-immigrant rhetoric-then peeled back to take a closer look at Trump's migrant family separation policy, and the families who are still dealing with the lingering trauma of it. "If the president really wants to make Tuesday's election about him and immigration, then fine," he said. He then showed a clip of Thomas Homan, former Acting Director of ICE, endorsing the idea of bringing back the family separation policy on Fox & Friends, saying, "If they would've stuck with that for 30-60 days, there wouldn't be a caravan today."

### **'Catch-and-release' continues despite Trump's claims**

[13 News Now](#) [11/5/2018 10:46 PM, Oscar Margain, 32K, VA] reports no more "release" is what President Trump assured the public last week, referring to undocumented immigrants detained at the border. It was also a message directed at the migrant caravan currently working its way up through Mexico. In McAllen, large groups of undocumented immigrants are seen walking to and from a Catholic Charities relief center from the bus station. "We're not releasing anymore. Big change as of a couple of days ago," said Trump at a White House press conference Thursday. The president dubs the practice as "catch-and-release" allowing immigrant adults to reunite with family across the U.S. while wearing government-issued ankle monitors to ensure they will show up to immigration court hearings. It's a practice that the president has said he has ended on several occasions since taking office. "They're going to stay with us until their deportation hearing or the asylum hearing takes place," assured Trump. He said he plans on doing so by holding families in tent cities throughout the asylum process. It's unclear when this policy would go into effect as undocumented families continue to arrive to the relief center at a current average of 400 people a day.

### **It's Not Easy to Predict How Immigration Will Affect the Midterms**

[New York Times](#) [11/5/2018 9:05 PM, John Sides, Michael Tesler, and Lynn Vavreck 22322K] reports in the closing days of the campaign for the midterms, President Trump has clearly decided that immigration should be the central issue of this election. Mr. Trump called a caravan of Central Americans heading toward the United States it "an assault on our country" and asserted without evidence that it includes "bad people" and "unknown Middle Easterners." He accused Democrats of having "something to do with it." He floated the idea of ending birthright citizenship for children born in the United States to

undocumented immigrants. He circulated an ad about a Mexican man convicted of killing two police officers that said, "Democrats let him into our country." Mr. Trump's focus on immigration has had real consequences, even though congressional candidates across the country have chosen to focus on other issues, like the economy or health care. Compared to recent elections, voters' beliefs about immigration are more strongly related to how they plan to vote in congressional races. This shows how Mr. Trump is shaping how Americans vote even though he's not on the ballot. His brand of identity politics has metastasized to states and districts across the country.

Additional reporting: [Huffington Post](#) [11/5/2018 4:51 PM, Roque Planas]

### **20 GOP attorneys general plead to congressional leaders to preserve ICE hours before midterm elections**

[Washington Examiner](#) [11/5/2018 8:35 PM, Anna Giaritelli, 567K, DC] reports Attorneys general from 20 states, including some who are running for higher office, issued a show of support for U.S. Immigration and Customs Enforcement late Monday, just hours before the fates of some of their political careers will be decided in the midterm elections. The 20 Republican officials – led by Jeff Landry of Louisiana – asked Democratic and Republican leaders in Congress to refrain from doing away with ICE, an agency of the Homeland Security Department, in the next session. In a letter to Senate Majority Leader Mitch McConnell, R-Ky.; Senate Minority Leader Chuck Schumer, D-N.Y.; House Speaker Paul Ryan, R-Wis.; and House Minority Leader Nancy Pelosi, D-Calif., the group emphasized the important role ICE has played as they investigate serious criminal operations. The attorneys general said they have partnered with ICE to apprehend and prosecute human traffickers, child predators, sex offenders, drug smugglers – all of whom were illegally in the country.

### **[TX] 270K Criminal Aliens Booked into Texas Jails in 7 Years, Says State**

[Breitbart](#) [11/5/2018 12:44 PM, Bob Price, 2405K] reports law enforcement officers in Texas placed more than 270,000 criminal aliens in local jails since June 1, 2011, according to state data. The mostly illegal aliens allegedly committed more than 284,000 criminal offenses including homicides, assaults, burglary, drug offenses, theft, robbery, sexual assault, and other sexual offenses. A report recently released by the Texas Department of Public Safety states that between June 1, 2011, and October 31, 2018, law enforcement officers arrested more than 270,000 criminal aliens – more than 182,000 of which were identified as illegal aliens by U.S. Department of Homeland Security. The report states they allegedly committed more than 284,000 crimes.

### **[WA] Did ICE Retaliate Against Inmate Over Seattle Weekly Report?**

[Seattle Weekly](#) [11/5/2018 3:00 PM, Melissa Hellmann, 11K, WA] reports ShaCorrie Tunkara awoke with a start when her phone rang at 4 a.m. Oct. 30. Inclined to ignore the call given the unusual hour, she picked up after a few rings in case there was something wrong with her husband, Saja. A Sierra Leone national, Saja Tunkara had been detained since January in the privately-run Northwest Detention Center, an immigrant detention facility in Tacoma. On the other end of the line last Tuesday, a U.S. Immigration and Customs Enforcement officer told ShaCorrie Tunkara that her husband was being deported that day and that she had less than an hour to bring his belongings and money to a U.S. Citizenship and Immigration Services facility in Tukwila. His removal wasn't a total surprise, although ShaCorrie Tunkara found the timing suspicious. Saja Tunkara's new ICE officer had called him into the detention center's intake office two weeks earlier to inform him that



his wife needed to pack a suitcase for him in the event that he was deported. On Oct. 10, Seattle Weekly had published a story that detailed Saja Tunkara and other detainees' allegations of insufficient medical care at the Tacoma facility. According to ICE, Saja Tunkara was held in custody for violating the country's immigration laws. He also became a target for removal when he was arrested for domestic violence charges. "He was afforded due process in our nation's immigration courts and provided multiple opportunities to depart the country on his own accord. His removal order became final in April 2012, and his failure to comply with that court order made him an ICE fugitive," regional ICE spokesperson Tanya Roman wrote in an email Saturday to Seattle Weekly. Roman rejected the notion that ICE had retaliated against Saja Tunkara for speaking to the media about the conditions that he faced in the detention center. The agency respects people's right to express their opinions, she said. "Any suggestion to the contrary is irresponsible, speculative, and inaccurate," Roman wrote.

### **[CA] ICE moves to silence detention center volunteer visitors**

[San Diego Union-Tribune](#) [11/5/2018 4:00 AM, Kate Morrissey, 291K, CA] reports that immigration officials stopped allowing a volunteer group to visit people at a local detention facility unless its members agreed not to talk with the press or other groups about conditions inside. Immigration and Customs Enforcement says that members of SOLACE, or Souls Offering Loving and Compassionate Ears, must sign the "Volunteer Code of Ethics" form to be in compliance with the agency's detention standards. The group so far has refused, arguing that detention standards don't require them to sign away their First Amendment rights in order to visit detainees. Beginning in 2012, SOLACE volunteers have made more than 1,450 visits to at least 800 immigrants at Otay Mesa. At recent meetings, volunteers speculated that either the current political climate or critical media coverage of conditions in immigration detention facilities may have led to the change, but they could not think of a specific report that might've triggered the forms' restrictive language. The confidentiality sections of the new forms require volunteers to agree not to share information they learn inside without written permission from the warden. ICE spokeswoman Lauren Mack said that the change came from an "internal preaudit" of volunteer programs that found SOLACE was not in compliance with the standards the agency uses for its facilities, known as the Performance-Based National Detention Standards. "Each volunteer must go through a facility orientation and agree to applicable facility rules and procedures," Mack said. "Volunteer applicants are required to complete the code of ethics package and required dress code." To David Loy, legal director of the American Civil Liberties Union in San Diego, the restrictions in the forms are "unconscionable." Loy sent a letter Thursday threatening legal action if ICE doesn't reinstate the program.

## **Legal News**

### **Justice Department asks Supreme Court to hear DACA cases this term**

[Washington Times](#) [11/5/2018 1:41 PM, Stephen Dinan, 547K, DC] reports that the administration asked the Supreme Court on Monday to immediately take up cases challenging President Trump's phase out of the Obama-era DACA deportation amnesty for illegal immigrant "Dreamers," saying it's critical the justices hear the matter this term. Though the cases are still pending before a number of lower federal appeals courts, Solicitor General Noel Francisco told the justices that waiting on decisions would mean the issue would be pushed for at least a year. Mr. Francisco said the justices earlier this year turned down a previous attempt to rush the case to them, but did say they wanted the

appeals courts to move quickly.

[Roll Call](#) [11/5/2018 8:19 PM, Todd Ruger, 110K] reports that in three petitions from three appeals courts, the Department of Homeland Security and other Trump officials want a speedy high court review of whether the administration's September 2017 decision to revoke the discretionary program was lawful, and whether the federal courts can review that decision at all. The court action comes on the eve of a midterm election where President Donald Trump has made immigration enforcement a major issue as Republicans defend majorities in both the House and Senate.

[Law 360](#) [11/5/2018 11:11 PM, Bonnie Eslinger] reports that in its petition, the administration said the policy adopted under President Barack Obama has shielded hundreds of thousands of young immigrants from deportation even though existing laws don't support such protection. In September 2017, the Trump administration announced it would roll back the program with an effective date of March 5, 2018, giving Congress six months to come up with a legislative fix that has yet to be passed. The ruling came in response to a June 22 memo signed by DHS Secretary Kirstjen Nielsen, issued to comply with an April order from U.S. District Judge John D. Bates that gave the department 90 days to clarify its reasoning for rescinding DACA, or else the program would continue. In its Monday petition, the Trump administration asked the Supreme Court to consolidate the California and D.C. cases, along with a similar case in New York.

Additional reporting: [VOA](#) [11/5/2018 9:37 PM, Staff, DC]

### **Immigrant Youth Fight Detention Rule Proposed By Trump**

[Law 360](#) [11/5/2018 9:25 PM, Kevin Penton] reports a class of immigrant minors on Friday urged a California federal judge to bar the Trump administration from implementing a proposed rule that would counter the terms of a longstanding settlement agreement, including by allowing the indefinite detention of families. The minors urged U.S. District Judge Dolly M. Gee to declare that the administration's proposed rule would represent an "anticipatory breach" of the January 1997 Flores settlement and to bar the federal government from moving forward to carry out the action, according to Friday's motion. While the settlement allows for the federal government to move to terminate it, should officials effectively codify its terms, the minors assert that it is obvious that the proposed rule that the administration advertised in September would not trigger the "sunset clause," according to the motion. The Flores settlement agreement created certain standards of care for immigrant children in detention, including the requirement that they not be detained in adult detention facilities for more than 20 days. In June, President Donald Trump issued an executive order directing his administration to modify the settlement agreement such that it could detain families together where possible and to create more facilities to do so. The government's proposal explains that migrant families apprehended at the border can face three scenarios during immigration court proceedings: Parents and children can be paroled together into the U.S., parents can be detained while their children are released to the U.S. Department of Health and Human Services' custody or another legal guardian, or the families can be held together in a family detention center. But there are few licensed family detention centers, which has "effectively prevented the government from using the third option for more than a limited period of time," according to the proposed rule.

Additional reporting: [Huffington Post](#) [11/5/2018 11:19 PM, Angelina Chapin]

### **Attorney general tries to take away the right to bond hearings**

[The Hill](#) [11/5/2018 2:00 PM, Sara Ramey, 2630K] reports the attorney general has certified Matter of M-S- to himself for review. This will decide whether or not asylum seekers should have the right to a bond hearing. This case is based on the Board of Immigration Appeal's 2005 decision in Matter of X-K-, which found that the regulations allows immigration judges to have jurisdiction in order to review the necessity of continued detention for asylum seekers who enter the U.S. without inspection. As there is no harm in allowing judges to review whether an asylum seeker is a flight risk or danger to the community. Which would let them decide whether the person can be granted a bond to continue their case from an outside detention. The attorney general's move appears aligned with the administration's efforts to increase detention, deter immigrants from coming to the U.S. and crack down on asylum.

It is crucial to have judicial review of ICE custody determinations. Not only is judicial review an important check and balance to executive action – which can hold the agency accountable for its decision-making processes – but it's necessary because it is usually the only meaningful review. The current ICE custody determination process has a myriad of problems. ICE is supposed to deny release only when there is: lack of identity evidence, flight risk, danger to the community, or lack of a stable place to live upon release. I have seen disparate decisions in identical cases of asylum seekers from the same country with the same form of identity document. Detained immigrants have told me that people from some countries are given preference over others. In addition to unequal and discriminatory adjudication, ICE almost never explains why it wants to continue detaining someone.

### **[NJ] Former Detainee Sues ICE Agents for Medical Neglect**

[Documented](#) [11/5/2018 2:52 PM, Max Siegelbaum] reports that the Bergen County Jail allegedly withheld HIV medication for days and neglected to treat the prostate condition of an immigrant detainee, he said in a lawsuit filed late last month. In a complaint filed with a New York federal court on October 25, Jesus Prado accused four Immigration and Customs Enforcement agents of medical neglect and other grievances. The agents arrested him in April 2015 from his assisted living home at a housing facility called Gouverneur Court on New York's Lower East Side. Prado, a 60-year-old immigrant from Latin America who tested positive for HIV in 1994, has been diagnosed with physical and mental disorders including depression and acute cerebral toxoplasmosis, the complaint said. He has difficulty remembering details and thinking clearly.

He was arrested and taken to the immigration court at 26 Federal Plaza and then sent to the Bergen County Jail, a facility where ICE holds immigrant detainees in Hackensack, NJ, about 30 minutes from the Lower East Side. It took five days for him to receive his HIV medication, according to the complaint. After the jail started administering it, they gave him the wrong medication for several days. "He felt as though he was going to die without his medications and feared he might kill himself," according to the complaint. The complaint also claims that a prostate condition Prado had worsened after ICE neglected to provide him with medication for several days. Medical staff at the jail gave Prado a catheter, which worsened his pain and made it harder for him to sit or walk. An ICE spokesperson said the agency declines to speak about all pending litigation. Prado is suing the four ICE officers who arrested him on multiple claims, including that the agents unconstitutionally entered and searched his home, trespassed and acted negligently towards his health and wellbeing. Prado and his lawyers are requesting a trial as well as damages.

**[PA] High court won't hear challenge to get-tough immigration policy**

[Morning Call](#) [11/5/2018 7:25 PM, Riley Yates, 87K, PA] reports Northampton County District Attorney John Morganelli's get-tough approach to undocumented immigrants has survived another court challenge, after the Pennsylvania Supreme Court refused to hear an appeal that questioned whether a longtime policy of his is discriminatory. Northampton County, like counties across the state, runs a first-offender program that annually allows hundreds of defendants charged with minor crimes to avoid the consequences of a criminal conviction. Morganelli has barred undocumented immigrants from benefiting from Accelerated Rehabilitative Disposition, arguing their immigration status shows they don't respect the law. This year, that policy was challenged by attorneys for Raul Ramos-Matos, a 40-year-old Phillipsburg man who holds dual citizenship in Peru and Spain. Charged with driving drunk in Palmer Township, Matos asked the courts to order his admittance into ARD, saying it is unconstitutional to deny him because of his immigration status. The Third Circuit Court of Appeals stayed Matos' deportation, and has scheduled arguments in his immigration case for December. Matos remains in York County Prison, where Immigration and Customs Enforcement detains those from the area who face immigration violations.

**[VA] 'Presumed innocent': Defense calls Oswaldo Martinez's detention unconstitutional**

[Williamsburg Yorktown Daily](#) [11/6/2018 3:00 AM, Sarah Fearing, VA] reports the Oswaldo Martinez case has stalled for more than 13 years in James City County courts, and now, without a pre-written road map determined by case law, the case continues to hang in the balance. The complexity of the capital rape and murder case was highlighted during a hearing Wednesday, Oct. 31, in the Supreme Court of Virginia. During the hearing, Martinez's defense attorney and the Office of the Attorney General presented arguments on whether Martinez could be held indefinitely and receive treatment to restore him to competency, even if that treatment is never successful. Martinez, a 47-year-old deaf-mute undocumented immigrant from El Salvador, is accused of raping and killing 16-year-old Brittany Binger on Jan. 2, 2005 in James City County.

**[TN] Immigration board rejects appeal from Memphis Spanish-language reporter Manuel Duran**

[Memphis Commercial Appeal](#) [11/5/2018 7:53 PM, Daniel Connolly, 31K, TN] reports that an immigration board has rejected an appeal from detained Spanish-language reporter Manuel Duran, bringing him closer to deportation back to his native El Salvador. Duran was arrested during a Memphis protest earlier this year and has spent about seven months behind bars. The ruling by the Board of Immigration Appeals in Falls Church, Virginia, represents a big setback for Duran's case, which has drawn attention from local activists and national journalism groups. Duran could face deportation by mid-November, but he is now fighting his case at the U.S. Court of Appeals for the Eleventh Circuit, said attorney Christina Swatzell with advocacy group Latino Memphis.

**[FL] Death row inmate freed from prison after 14 years thanks to new DNA evidence**

[WFTV](#) [11/6/2018 12:21 AM, Monique Valdes, 67K, FL] reports that after more than 14 years behind bars, a man who was on death row after being convicted in a double-murder was exonerated of all charges Monday. A judge dismissed all charges against Clemente Aguirre in the middle of jury selection and said there will be no retrial. Aguirre, 38, was originally convicted of the murders and sentenced to death in 2006. He was in the country illegally working as a prep chef in Heathrow when he was accused in the 2004 murders of

his neighbors, Carol Bareis and Cheryl Williams, who were found stabbed to death in their Altamonte Springs mobile home.

The Innocence Project stepped in in 2011 and helped find new DNA evidence showing Williams' daughter's blood was at the scene and information that her daughter confessed several times to other people that she was the one who committed the murders. The state Supreme Court overturned the conviction and now the retrial has been called off since the judge dismissed the charges. Prosecutors still think there's enough evidence to go to trial but are not confident they would win. Aguirre remains in jail despite not facing charges. Immigration officials have asked the jail to hold him for a couple of days. His attorneys are trying get that cleared up to see if he can be released. They said they are hoping to get him asylum here in the U.S.

Reported similarly:

[WDEF](#) [11/5/2018 6:54 PM, Staff, 12K, TN]

[Fox 35 Orlando](#) [11/6/2018 11:49 PM, Valerie Boey, 18K, FL]

### **[TX] U.S. Citizen Kidnapped by Cartel After Being Wrongfully Deported by Border Patrol, Legal Claim Says**

[Newsweek](#) [11/5/2018 2:21 PM, Daniel Moritz-Rabson, 1720K] reports a U.S. citizen was kidnapped by a Mexican drug cartel after being wrongfully deported by Border Patrol this summer, according to a legal claim filed in September. A Border Patrol agent stopped San Antonio resident Julio Cesar Ovalle, 24, when he was walking to a local H-E-B grocery store on June 11, a claim filed by the Espinoza Law Firm on September 17 said. Ovalle, who was born in California and does not have a driver's license, typically carries a Texas identification card. On June 11, the San Antonio resident only took his cell phone and his cash when leaving the house. A border patrol agent saw Ovalle walking and stopped him, according to the claim sent to the Department of Homeland Security and Customs and Border Protection, which said the citizen was stopped without cause and was detained for his race and "look." His phone was confiscated, and he was forced into a law enforcement vehicle, where an unnamed agent reportedly made comments insinuating that Ovalle was in the country illegally.

Ovalle "continued to assert that he was a U.S. citizen and asked if he could call someone to bring his identification card, birth certificate and passport to prove it, but was never allowed to make any calls to bring any of this documentation," the claim says. After he was taken to a Border Patrol station in Cotulla, he was told to sign a series of documents which were not explained. Ovalle was then deported to Nuevo Laredo, Mexico, on June 12 without coming before a judge, being allowed to make a phone call, speak with an attorney or prove he was a citizen, the legal claim stated. He called his father, who was said he would bring proof of his son's citizenship. A truck with cartel members abducted the deported man as he was waiting for his father. The cartel contacted Ovalle's family and demanded ransom money, leading Ovalle's father to contact the FBI with his son's citizenship documentation. FBI agents intervened and worked with Mexican law enforcement to repatriate Ovalle to the U.S. He was released days later. "Clearly there are due process issues here," Sarah Pierce, a policy analyst at the Migration Policy Institute, told Newsweek when the case was described. "The biggest one is the forms that he signed, through which I assume he waived his right to go before an immigration judge."



**[MT] Lawyer comments on ACLU suit over jailing of immigrant in Lincoln Co.**

[KTVQ](#) [11/5/2018 11:00 AM, Mark R. Thorsell, 10K, MT] reports the Lincoln County Sheriff's Office – and Lincoln County Sheriff Roby Bowe – are facing a lawsuit from the ACLU for holding an immigrant for over three months. Augustin Ramon was charged with burglary in August, and posted \$25,000 on bond, but has not yet been released because of a U.S. Immigration and Customs Enforcement detainer. Immigration lawyer Randall Caudle says that immigrants should be let go after bond is posted, just like regular citizens. "There's been probably at least 20 cases across the country that have held that ICE detainers in themselves. The 48 hours are unconstitutional, and police departments have been successfully sued for that, so going way beyond that 48 hours, there's no question that's unconstitutional," Caudle told MTN News. Ramon has been in the Lincoln County Detention Center since early August.

**[WY] Wyoming Federal Judges Sentence Three; One Defrauded Stores For \$220,000**

[K2 Radio](#) [11/5/2018 8:24 AM, Tom Morton, WY] reports that Wyoming federal judges recently sentenced one person for fraud and two people for illegal alien crimes, according to the Wyoming U.S. Attorney's Office. Chief U.S. District Court Judge Scott Skavdahl sentenced Ricardo St. Vil (also known as Rikado St. Vil and Calico Riko), 30, of Opa-Locka, Fla. for access device fraud conspiracy. St. Vil was arrested in Miami. He received three years one month of imprisonment, to be followed by three years of supervised release, and was ordered to pay \$222,756.10 in restitution. According to the indictment, St. Vil worked with four co-conspirators from July 27-30, 2016, to use unauthorized access devices to load monetary value onto prepaid debit, or gift, cards at a Walmart store in Cheyenne and also in Colorado.

Judges also sentenced two people for illegal alien crimes. U.S. District Court Judge Nancy Freudenthal sentenced Pastor Jesus Lopez-Marino, 30, of Guanajuato, Mexico, for illegal re-entry of a previously deported alien into the United States. Lopez-Mariano was arrested in Cheyenne. He received six months of imprisonment, is subject to deportation upon completion of his sentence, and was ordered to pay a \$100 special assessment. U.S. District Court Judge Alan Johnson sentenced Rigoberto De Jesus Lobo-Avalos, 48, of El Salvador for illegal re-entry of a previously deported alien into the United States. Lobo-Avalos was arrested in Natrona County. He received one year and one day of imprisonment, is subject to deportation upon completion of his sentence, and was ordered to pay a \$100 special assessment. The U.S. Department of Homeland Security Investigations investigated both cases.

**[AZ] Motel 6 Would Pay Guests \$6.6M Over Info Sent To ICE**

[Law360](#) [11/5/2018 1:03 PM, Nicole Narea] reports that Latino guests at Motel 6 hotels reached a preliminary \$6.6 million deal Friday in a putative class action suit alleging that the chain unlawfully shared their personal information with agents, leading some guests to be detained. Under the proposed settlement agreement, the hotel chain will pay \$50 in damages to each person whose personal information was shared with immigration authorities, \$1,000 to those who were questioned by immigration authorities as a result, and \$7,500 to those who were placed in removal proceedings thereafter.

Additional reporting: [Phoenix New Times](#) [11/5/2018 5:29 PM, Joseph Flaherty, 83K, AZ]

## Enforcement News

### **[CT] Couple returning from church sanctuary find business destroyed**

[New Haven Register](#) [11/5/2018 9:34 PM, Mary E. O'Leary, 35K, CT] reports a couple who were allowed to return home after spending seven months in sanctuary, rather than being deported, now are in a different type of limbo. Malik Naveed bin Rehman and his wife, Zahida Altaf, had brought in Luis Torres to run their business, the Pizza Corner, until February 2019, an official said, referring to the agreement. The couple took sanctuary at First Congregational Church of Old Lyme on March 19, rather than return to Pakistan.

After seven months of confinement on the church's property with their five-year-old U.S. citizen daughter, ICE agreed not to deport the couple as they waited for the U.S. 2nd Circuit Court of Appeals to rule on their request for asylum. They left the church on Oct. 16 to return home to New Britain, where they had lived for the past 18 years, and to get back to their business. On Oct. 24 when they went to work, they found the restaurant had been vandalized overnight and equipment was missing. They now are facing both legal and financial problems.

### **[MD] Brunswick police: Man lied about his name, had fake green card after arrest on drug charges**

[Frederick News-Post](#) [11/5/2018 4:00 PM, Jeremy Arias, 29K, MD] reports a man gave police a false name and was carrying a fake green card when he was arrested on drug charges in Brunswick on Sunday, according to court charging documents. Vicente Yovani Luna-Sanchez, 30, was asleep inside a blue Chrysler Town & Country minivan parked only partially in a space in front of the Weis Market on Dutchman's Creek Drive when a Brunswick officer approached him to check on his welfare at 8:40 p.m. Sunday, the documents state. When Luna-Sanchez rolled the window down, the officer smelled alcohol and noticed two empty beer cans in the van. At first, Luna-Sanchez told the officer his name was Jose Luis Sanchez and, when the officer asked him if he had any identification, he handed over a Hollywood Casino key card with that name and his picture on it. Luna-Sanchez agreed to step out of the vehicle to talk with the officer and further agreed to be searched by the officer, who found two plastic bags with a combined 52.8 grams of powder cocaine in his right pants pocket, the documents state. The officer also found a green card, again with the name Jose Luis Sanchez, several prescription pills, a digital scale and \$146 in cash during his search of Luna-Sanchez. Luna-Sanchez's real name wasn't revealed until a Frederick County Adult Detention Center official tried to verify his immigration status, the documents state. The detention center partners with U.S. Immigration and Customs Enforcement to run a 287(g) program that allows detention center employees to inquire about the immigration status of anyone booked into the detention center and begin deportation proceedings if appropriate. Luna-Sanchez eventually told officials his real name and admitted that the green card was fraudulent, explaining that he withheld his name because he was not in the country legally, the documents state.

### **[DC] Teacher facing deportation returning to classroom after having case reopened by immigration services**

[FOX 5 DC](#) [11/5/2018 7:45 PM, Staff, DC] reports a D.C. teacher facing deportation will return to the classroom after her case was reopened by the United States Citizenship and Immigration Services (USCIS), her school announced Monday. Min Wang, a Chinese teacher at Georgetown Day School, learned last week that she was ordered to leave the

country after two visa applications she applied for were denied. This came after the H-1B visa that allowed her to work in the United States had expired. Kevin Barr, the associate head of school at Georgetown Day School, said in an email to the school community that Wang can teach while her case is re-examined by immigration authorities. Wang told FOX 5 that she applied for the EB-1 visa, which is known as the "Einstein visa." This program is available to those who demonstrate extraordinary ability in their field such as the sciences, arts, education, business or athletics. This is the same visa that allowed first lady Melania Trump to gain legal residency. Wang said she and her immigration attorney were confident that she had met the criteria, but USCIS disagreed.

**[SC] Suspected illegal immigrant in Clover accused of beating daughter, 16, police said**

[Rock Hill Herald](#) [11/5/2018 10:01 AM, Andrew Dys, 25K, SC] reports that a man police say is in the country illegally is in the York County jail after he was accused of beating his daughter. Luis Manuel Perez, 39, is charged with felony child abuse, said Capt. Logan McGarity of the Clover Police Department. Police were called to a Sumter Street home late Friday, McGarity said. The older of Perez's two daughters, 16, told officers that she was watching a music video in her room when Perez slapped her in the face and punched her, according to a police incident report. The girl's younger sister, 11, then jumped on her father's back and pleaded for Perez to stop the assault, police said. Perez admitted to officers that he slapped his older daughter and then "tried to discipline" the child for talking back to him and using cursing language, according to the incident report. Perez was arrested and taken to the York County jail. At the jail, York County Sheriff's office deputies found that Immigration and Customs Enforcement officials stated that Perez is in the country illegally. An ICE hold was placed on Perez.

**[CA] Man deported twice, found in Tulare County, faces 20 years in prison**

[Visalia Times Delta](#) [11/5/2018 8:24 AM, Calley Cederlof, CA] reports that a Tulare County man faces up to 20 years behind bars and a hefty fine after he was found guilty of illegal immigration this week. After a three-day trial, a federal jury found Rolando Felix-Carrasco, 45, guilty of one count of being a "deported alien found in the United States," U.S. Attorney McGregor W. Scott announced. During the trial, prosecutors showed the jury evidence proving Felix-Carrasco was born in Mexico and entered the United States illegally. He was deported once in February 2015 and again in July 2015, according to court documents. Felix-Carrasco then returned to the U.S. without permission to reenter. In March, Tulare County sheriff's deputies located and arrested Felix-Carrasco. Felix-Carrasco is scheduled to be sentenced in federal court on Feb. 4. He faces a maximum sentence of 20 years in prison and a \$250,000 fine. He will likely face deportation, again. This case was investigated by Homeland Security Investigations, which oversees Immigration and Customs Enforcement, ICE.

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Wednesday, Nov. 7, 2018**

## **Executive Office for Immigration Review**

Send Troops – And Immigration Judges Too – to US-Mexico Border ..... 2

Trump's immigration court backlog has passed 1 million cases ..... 3

Expedite immigration asylum backlog .. 3

[NJ] How a Honduran Immigrant Named Bill Clinton Spent Election Day ..... 3

## **Policy and Legislative News**

U.S. Troops' First Order at the Border: Laying Razor Wire ..... 4

Caravan migrants thin out as 3,230 apply for asylum in Mexico ..... 4

Migrant Caravan Makes a Stop in Mexico City ..... 4

For some caravan migrants, trip turns treacherous as hundreds hitch rides on flatbed trucks ..... 5

Caravan is a concerted effort to bypass U.S. immigration laws ..... 6

Joint Chiefs Say Soldiers At Border Will Not Directly Deny Migrants Asylum ..... 6

Migrants from Central America Face Long Road to Asylum ..... 6

Exclusive: Even before the caravan, Trump took steps to use travel bans to limit asylum ..... 7

A Trump Proposal Would Block Additional Groups Of People From Obtaining Asylum ..... 7

Adults posing as children to exploit 'loopholes' in U.S. law: Top border official ..... 7

Trump's 'dehumanizing' rhetoric will discourage progress on immigration, says consultant ..... 8

After the Midterms, Advocates Turn To Immigration Priorities ..... 8

Exit poll: Nearly half of voters say Trump's immigration policy 'too tough' .. 9

My father wants to end illegal immigration with this answer ..... 9

[MA] Salvadoran parents reunite with son at Logan after 11-year-old is held in detention for three months ..... 10

[PA] ICE Detention Center Says It's Not Responsible for Staff's Sexual Abuse of Detainees ..... 10

[FL] Cuban Man Dies in US Immigration Custody ..... 10

[TX] 'Caravan-related exercise' on the Texas border canceled because of election day concerns ..... 11

[TX] Police, Respite Center on Standby as Caravan Pushes North ..... 12

[OR] Oregon overwhelmingly votes to keep sanctuary law protecting illegal immigrants ..... 12

[CA] ICE agent gets a year in prison for helping Mexican national gain reentry to U.S. .... 13

### Legal News

Trump Administration Urges Supreme Court to Rule on DACA in Attempt to Bypass Lower Courts..... 13

[NY] Lawsuit Claims Trump Administration Detains Immigrant Kids for Too Long ..... 13

[KY] Ky. Family Court Must Weigh In On Immigrant Teen's Status..... 14

[MT] Sheriff Bowe says ACLU suit claiming illegal detention of immigrant is unwarranted ..... 14

[AZ] Motel 6 agrees to pay up to \$7.6 million to settle claim it helped ICE target Latino guests ..... 14

### Enforcement News

[TN] Immigration board rejects Spanish-language reporter's appeal ..... 15

[TX] MS-13 Member Arrested with Children near Texas Border ..... 15

## Executive Office for Immigration Review

### Send Troops – And Immigration Judges Too – to US-Mexico Border

[CNS News](#) [11/6/2018 3:36 PM, Andrew Arthur, 98K] reports USA Today, in part based on statements from the Mexican Interior Ministry, reported on November 4, 2018, that some 5,000 migrants are making their way through the southern part of that country in various caravans on their way to the United States. In response, the president has promised to send up to 15,000 troops to the border. That is fine, but what will really be needed are immigration judges, asylum officers, and attorneys from U.S. Immigration and Customs Enforcement. According to the New York Post, 900 troops are currently deployed at the border, and are assisting the Border Patrol in erecting barriers to illegal entry. The troops that are sent will likely be providing logistical support to the Border Patrol, as the Washington Post indicated on October 30, as opposed to law enforcement itself. So-called "tent cities" will be erected to house those migrants when they arrive in the United States, the BBC reports, and those will likely be set up by the Department of Homeland Security in conjunction with the troops who are deployed. The best way to deter future caravans of migrants will be for the administration to quickly screen those migrants who arrive in this caravan. If their purpose in coming to the United States is to live and work in this country, then detention, expedited screening for credible fear by asylum officers, and expedited adjudication of the asylum applications filed by those aliens found to have a credible fear that will be key.

Given the fact that anywhere between 74 and 90 percent of all aliens screened for credible fear receive a positive determination according to U.S. Citizenship and Immigration Services statistics, large numbers of immigration judges will be needed to hear those cases, and large numbers of ICE attorneys will be needed to represent the government therein. As I have noted in earlier posts, under the Supreme Court's recent decision in *Jennings v. Rodriguez* and the Immigration and Nationality Act, those aliens should be detained pending a determination on their asylum claims, including any appeals to the Board of



Immigration Appeals. This will require an extended deployment of immigration judges and ICE attorneys, for a number of reasons. Immigration judges have been critical of prior reassignments to the border, as Politico reported in September 2017, because, they asserted, they were underutilized. It is critical that the Executive Office for Immigration Review, the Department of Justice component with jurisdiction over the immigration courts, tightly target immigration-court resources to ensure that immigration judges are sent where they are actually needed.

### **Trump's immigration court backlog has passed 1 million cases**

[Los Angeles Times](#) [11/6/2018 2:13 PM, Scott Martelle] reports you have to give credit to the Trump administration when it's due. The increased pace of arrests of people living in the country illegally, combined with the order to reopen suspended cases, has pushed the backlog of pending immigration court cases to nearly 1.1 million, according to the Transactional Records Access Clearinghouse at Syracuse University. That's more than double the backlog when Trump took office, and comes despite a 30% increase in the number of immigration judges. No president in history has overseen such a huge buildup in cases. Part of the increase stems from a hike in the number of deportation cases, which rose 49% to 768,257 during the fiscal year that ended Sept. 30. But Atty. Gen. Jeff Sessions also ended the practice of suspending cases while the person facing deportation pursued other relief (such as an active application for a visa), which revived another 330,211 cases, bringing the total backlog to 1,098,468 cases. With 395 judges on the immigration bench, that's an average caseload of 2,781 cases per jurist. Sessions also has adopted a quota system for the immigration courts, demanding each judge close at least 700 cases a year. At that pace, it would take the courts about four years to clear the backlog — but only if no new cases were added. At the current (slower) clearance rate, TRAC says, it would take the judges 5.1 years to work through the backlog, again if no new cases were added.

### **Expedite immigration asylum backlog**

[Toledo Blade](#) [11/6/2018 6:30 AM, Editorial Board, OH] reports President Trump is correct in the strong stand he is taking against the pileup of immigrants seeking to get into and stay in the United States. Some 800,000 cases of asylum application are pending in the immigration court system, and the backlog is growing. At current rates, it will take years to wear it down. But President Trump proposes to solve the problem the wrong way. He should not plan to erect "massive" tent camps to hold people while they await their asylum decision. This will lead to inhumane conditions and probably a permanent population of taxpayer-dependent people living in refugee status on American soil. We need a ramped-up court system to handle these applications in the interest of prompt justice. Perversely, the interminable delays in handling asylum applications may work to encourage asylum seekers, who get to remain in this country awaiting their day in court. Granted, hiring hundreds of additional judges doesn't sound the clarion signal that will energize Trump supporters in time to make a difference in the midterm elections today.

### **[NJ] How a Honduran Immigrant Named Bill Clinton Spent Election Day**

[Daily Beast](#) [11/6/2018 10:25 PM, Michael Daly] reports a very different Bill Clinton — not the former president, but an 18-year-old Honduran whose full legal name is Bill Clinton Granados-Benitez — was due to appear via video conferencing in immigration court on Tuesday. As millions of voters were lined up at polling places across the country to cast their ballots in a midterm election that our present president sought to steer by rousing

unreasoning fear of illegal immigrants, the younger Bill Clinton was scheduled to have a hearing from the Hudson County jail in northern New Jersey. But instead of Bill Clinton or one of the other detainees, the screen in the 11th floor courtroom on Varick Street filled with a federal deportation officer named Maldonado. He informed Immigration Judge Mimi Tsankov that two of the jail's three video links were down. Maldonado then said that his supervisor, Thomas Flynn, had declared the surviving link to belong to the New Jersey ICE office. Any New York cases such as Bill Clinton's would have to wait until the New Jersey ones were done even though all immigration cases are brought and adjudicated by the U.S. Department of Justice.

## **Policy and Legislative News**

### **U.S. Troops' First Order at the Border: Laying Razor Wire**

[Wall Street Journal](#) [11/6/2018 2:32 PM, Alicia A. Caldwell] reports that on Monday morning in this border town, about a dozen U.S. Army soldiers unfurled reams of razor wire on top of a wrought-iron fence alongside a bridge to Mexico. The soldiers from the 36th Engineer Brigade at Fort Riley, Kan., who wore helmets but didn't appear to be armed, are among thousands of troops deployed in recent days to the southwest U.S. border as part of Operation Faithful Patriot. Around border crossings throughout Texas' Rio Grande Valley, military personnel have filled up hotels and delivered trucks packed with coils of razor wire as they begin to support U.S. Customs and Border Protection officers. The personnel were sent in advance of the anticipated arrival of thousands of Central Americans, including children, traveling in caravans currently several hundred miles south of the nearest U.S. border crossing.

Reported similarly: [WOAI](#) [11/6/2018 1:28 PM, Staff, 2K, TX]

### **Caravan migrants thin out as 3,230 apply for asylum in Mexico**

[Washington Examiner](#) [11/7/2018 6:00 AM, Anna Giaritelli, DC] reports more than 3,200 migrants who had been a part of caravans moving from Central America to the United States' southern border have abandoned the group to either stay in Mexico or return to their home countries, according to the Mexican government. The country's Interior Ministry reported 3,230 people had asked the government permission to stay in Mexico as refugees as of Tuesday. After the refugee process completed, a temporary shelter in Tapachula was shut down. Fewer than 2,700 people from that group have been given interim visitor documents, which allow them to work while in Mexico and waiting for COMAR, the country's Commission for Refugee Aid, to decide whether they can permanently stay. Those who remain in Mexico will have to wait between 45 and 90 days to learn if their asylum requests have been granted. Approximately 4,000 people are still traveling to the country's border with the U.S., according to an estimate from Mexican officials last week. The Department of Homeland Security and U.S. Customs and Border Protection did not respond to a request for their latest estimates of the number of people traveling in the caravans.

### **Migrant Caravan Makes a Stop in Mexico City**

[Wall Street Journal](#) [11/6/2018 6:38 PM, Juan Montes and Robbie Whelan] reports thousands of Central American migrants who have been making their way north are gathering in Mexico City before deciding whether to head to the U.S. border as one very large caravan or in smaller groups, migrants and activists said. An estimated 6,000 Central

American migrants had gathered by Tuesday afternoon at a sports stadium near Mexico City's airport that federal and local authorities are using as a shelter. Migrants got medical treatment, food and legal advice after a grueling 25-day, 1,000-mile trek through parts of three countries. Some activists said the plan was to stay in Mexico City to wait for thousands more migrants in at least two other caravans in southern Mexico to arrive before deciding whether to set out north as a group that could top 10,000 people. But the activists cautioned that plans could change at any time. Such a move could add to the political battle over migration in the U.S. In the days leading up to Tuesday's midterm elections, President Trump made the caravans a top campaign issue, saying they are a danger to the U.S. Mr. Trump has vowed none will be allowed into the U.S. to seek asylum and ordered as many as 15,000 soldiers be sent to the U.S.-Mexican border.

[FOX News](#) [11/6/2018 3:09 PM, Greg Norman] reports that a Fox News crew traveling with the caravan was told this morning that 4,000 migrants slept last night inside the Jesus Martinez stadium in tents, on bleachers and under tarps – and another 1,000 are reportedly still en route Tuesday. The caravan – which has become a key talking point for President Trump in the final lead-up to Tuesday's midterm elections – is expected to stay in the stadium for a few days. While there, members of the group are receiving advice from Mexican federal officials and Central American embassy workers on topics related to their future, including medical care, work permits and legal matters. "Illegal immigration affects the lives of all Americans," Trump said last week. "Illegal immigration hurts American workers, burdens American taxpayers, undermines public safety, and places enormous strain on local schools, hospitals and communities."

[Breitbart](#) [11/6/2018 1:58 PM, Staff, 2405K] reports the Central American migrants trekking toward the United States in the caravan have unwittingly become key players in Tuesday's U.S. midterms, though many are not even aware the elections are happening. Seeking to mobilize his base with hardline anti-immigration rhetoric, Trump has called the caravan a "national emergency," warned it was infiltrated by violent criminals and deployed some 5,000 active-duty troops to secure the U.S.-Mexican border. As they rested and regrouped in Mexico City – still more than 1,000 kilometers from the border – most in the caravan were only vaguely aware of the outsize political dimension their trek had taken on. The caravan set out on October 13 from San Pedro Sula, Honduras, and was joined by other groups from Guatemala and El Salvador along the way. Mexican authorities estimate it currently has about 5,000 people, some 500 of whom are still making their way across central and eastern Mexico to rejoin the main group. Two other caravans with around 2,000 migrants each are currently making their way across southern Mexico. Another 3,000 Central Americans who were traveling by caravan have filed asylum requests in Mexico.

Additional reporting:

[BuzzFeed](#) [11/6/2018 8:01 AM, Adolfo Flores, 8149K]

[America Magazine](#) [11/6/2018 2:03 PM, Jan-Albert Hootsen, 47K]

[KNAU](#) [11/6/2018 7:58 AM, Gillian Ferris, 3K, AZ]

### **For some caravan migrants, trip turns treacherous as hundreds hitch rides on flatbed trucks**

[Washington Post](#) [11/6/2018 3:43 PM, Maria Sacchetti, 11653K] reports the double-decker truck lurched to a stop on a dusty roadside, where hundreds of caravan migrants attempted to hitch a ride north in their quest to reach the United States. "Let's take care of the women and children," said Alberto Mendoza, an organizer with Pueblo Sin Fronteras, an advocacy

group that is aiding the migrants. The group of 4,000 to 5,000 mostly Hondurans was making its way toward Mexico City to reconvene in a sprawling sports complex where they could get food, shelter, medical care and even therapy as they figured out where to go next. For many, the last leg of the trip had been treacherous. Organizers had begged Mexican officials for buses to transport the caravan, but the journey had instead consisted of harrowing rides, with migrants gasping for air inside box trucks, clinging to the sides of tractor trailers or dangling off flatbed trucks. Mexico City is still hundreds of miles from the U.S. border, the final destination for many of the migrants.

### **Caravan is a concerted effort to bypass U.S. immigration laws**

[Post Bulletin](#) [11/6/2018 8:00 AM, Merrill Matthews, MN] reports President Donald Trump is sending federal troops to the U.S.-Mexico border and taking other steps to stop the Honduran migrant caravan headed for the United States. It's unfortunate that it's come to this, but it's the right thing to do. Millions of foreigners dream of coming to the U.S. because of the three pillars of our society: freedom, economic opportunity and the rule of law. And for most of its history the U.S. has been a welcoming country. The Department of Homeland Security says the U.S. granted 1.18 million people lawful permanent residence status or green cards in 2016. The average annual green-card rate for the past 30 years has hovered around 1 million. But those in the caravan seek to force their way into the country — legally or otherwise — just as they bulldozed past the barricades set up by Mexican officials. While the number of migrants entering illegally is down from two decades ago — there are an estimated 11 million here now — illegal entries are growing again. Reuters claims border officials arrested nearly 400,000 people at the U.S.-Mexico border in 2018, up from 304,000 the previous year. That influx is complicating officials' ability to manage and process the immigrants, especially those with children. Syracuse University's TRAC system cites 765,000 pending immigration court cases nationwide, up from 629,000 last year and 200,000 a decade ago. The average wait for a court appearance is 717 days. That backlog allows immigrants to start their new life here, and many will choose to fade into the background rather than face an immigration judge. According to the Justice Department, 39 percent of immigrants who applied for asylum in 2016 failed to show up for their court hearing; it was 43 percent in 2015.

### **Joint Chiefs Say Soldiers At Border Will Not Directly Deny Migrants Asylum**

[Splinter](#) [11/6/2018 11:00 AM, Sophie Weiner] reports Chairman of the Joint Chiefs of Staff General Joseph Dunford said on Monday that the troops sent to the border by President Trump last week will not be directly involved with denying asylum to migrants, CNN reported on Monday night. Speaking at an event on Monday at Duke University, Dunford said that the troops will have no direct contact with the asylum-seekers at all. From CNN: "There is no plan for U.S. military forces to be involved in the actual mission of denying people entry to the United States," Dunford said, speaking at an event at Duke University in Durham, North Carolina. "There is no plan for soldiers to come in contact with immigrants or to reinforce Department of Homeland Security as they're conducting their mission."

### **Migrants from Central America Face Long Road to Asylum**

[Pacific Standard](#) [11/6/2018 5:00 PM, Maya Srikrishnan, 83K, CA] reports that only about 22 percent of Central Americans requesting asylum in the United States last year won their cases. Vladimir Cortez was one of them. Cortez, 26, made the journey from El Salvador in 2017 with the migrant caravan organized by the advocacy group Pueblo Sin Fronteras. As a young gay man, he faced discrimination and threats in El Salvador. He also was caught in

between gangs, which made everything worse — he lived in M-18 territory, and worked in a business in MS-13 territory, only blocks away from each other. One day, he received a threat so terrifying — in which he was given 24 hours to comply with a gang's order or be killed — he decided to leave that day. For Cortez, that meant proving that he was gay and that he was being persecuted for his sexual orientation — a process that required him to put some of the most intimate, painful moments of his personal life on the record during an immigration hearing. Courts have found sexual orientation to be a recognized social group for the basis of asylum. Because Cortez and his attorney were able to prove that Cortez was gay and that his persecution was tied to his sexual orientation, he was granted asylum.

### **Exclusive: Even before the caravan, Trump took steps to use travel bans to limit asylum**

[VOX](#) [11/6/2018 8:20 AM, Dara Lind, 3169K, DC] reports that as soon as this week, the Trump administration is expected to issue a new asylum policy – ostensibly in response to the migrant "caravan" – that could have the effect of barring people who enter the U.S. between ports of entry from asylum. The policy has been developed hastily over the past couple of weeks, primarily by the Department of Justice. Details of what the Trump administration plans to roll out in the coming days are still unknown. But even before the caravan left Honduras, the DOJ was in the late stages of developing a plan, via regulation, that would bar people from getting asylum if they were covered by a presidential proclamation – like the travel ban – suspending their entry into the U.S. Under the earlier plan, anyone covered by such a proclamation who expressed a fear of persecution would be moved into a special alternative to the asylum process. They would be subjected to a higher standard to stay in the U.S. than asylum seekers face, and even if they met that standard, they would be ineligible for permanent legal status. That plan could also allow the government to try parents and children independently – rather than granting protections to entire families – and make it easier for the government to keep asylum seekers in immigration detention without bond for the months it took to process their cases.

### **A Trump Proposal Would Block Additional Groups Of People From Obtaining Asylum**

[BuzzFeed](#) [11/6/2018 5:44 PM, Hamed Aleaziz, 8149K] reports the Trump administration has been considering a proposal that would bar additional groups of people from obtaining asylum. The regulation would add convicted felons and those who've been convicted of reentering the country illegally to the list of people who could be barred from obtaining asylum. That list already includes people who can be removed to another country, those convicted of a "particularly serious crime" in the United States, those who are inadmissible because of terrorist activity, those who failed to quickly apply, and other specific bars laid out in the statute by Congress. The regulation would be the administration's latest attempt to tighten the asylum process, and would represent a major attempt to transform the immigration system.

### **Adults posing as children to exploit 'loopholes' in U.S. law: Top border official**

[Washington Examiner](#) [11/6/2018 3:09 PM, Anna Giaritelli, DC] reports that U.S. Border Patrol agents in one region of the U.S.-Mexico border say there is a new trend of fraud emerging among people caught illegally entering the country between official entryways. Agents in the El Centro Sector, which spans from eastern California to western Arizona, in September began to see single adults claiming to be minors or part of families when they are apprehended for illegal entry, according to government data obtained by the Washington Examiner. Since Sept. 8, agents have uncovered 29 attempts of adults



pretending to be a part of a family, whether as the other parent or as one of the teenage children. "They are claiming to be an adult dad with a minor child. And in fact, they are both adults and it's not a minor," said Gloria Chavez, the top official for the El Centro Sector, during a recent press conference in Calexico, Calif. "And in conversations in interviews, we are able to determine that fact, that they are not related, there is no familial relationship. These are just two individuals that know the system, so then they made that up."

### **Trump's 'dehumanizing' rhetoric will discourage progress on immigration, says consultant**

[The Hill](#) [11/6/2018 2:32 PM, Tess Bonn] reports that Global Policy Solutions chief Maya Rockeymoore Cummings said Tuesday that President Trump's "dehumanizing" rhetoric and policies on immigration could hamper any future progress on reform. "I am not so sure that the demagoguery that we've seen from President Trump and the Republicans hasn't made that toxic," Cummings told Hill.TV co-host Krystal Ball said in response to whether Democrats and Republicans will be able to make a deal on immigration. The policy consultant cited Trump's "zero tolerance" border policy this year that resulted in migrant families being separated from their children after entering the U.S. The president later reversed on family separations, but hundreds of migrant kids still remain separated from their parents. Cummings said that Trump hasn't stopped there, saying the president is now "demagoguing" about the migrant caravan that's making its way to the southern border from Central America. "In terms of saying they're less than human, dehumanizing them — I think it makes it toxic for there to be perhaps any kind of compromise in that space," she said.

Trump has repeatedly attacked the migrant caravan, calling it an "invasion" and vowing to use the military to stop people from crossing the border. The president has made his immigration rhetoric his closing pitch for voters in the final days leading up to the midterm elections. Last week, Trump tweeted a controversial new ad linking the migrant caravan with Luis Bracamontes, a man convicted of killing two California police officers. Cummings said she found Trump's final pitch to voters very troubling and that doubling down on this rhetoric undermines American democracy and any hope for a unified nation.

### **After the Midterms, Advocates Turn To Immigration Priorities**

[Law 360](#) [11/7/2018 12:40 AM, Nicole Narea] reports as the Democrats claimed control of the House in the midterm elections Tuesday night, immigrant advocates said that seeking relief for beneficiaries of Deferred Action for Childhood Arrivals and Temporary Protected Status should be among the new Congress' top immigration priorities Democrats claimed a majority in the House as of late Tuesday night. While they must still contend with a Republican Senate and President Donald Trump's veto power over immigration legislation, they may now have the numbers to push narrow, immigration-related legislation and engage in oversight of immigration enforcement, immigrant advocates said. Advocates of immigration restriction, however, said that the intervening lame-duck session will now become ever more important for their agenda with a fight over funding for the U.S. Department of Homeland Security and President Donald Trump's border wall looming. Madhuri Grewal, policy counsel for the American Civil Liberties Union, said that her organization would like to see legislation that addresses the Trump administration's rescission of DACA and TPS for certain countries. DACA, which was put in place in 2012 during the Obama administration, protects more than 700,000 immigrants who came to America as children from deportation and allows them to legally work in the U.S. In September 2017, the Trump administration announced it would roll back the program

effective March 5, 2018, giving Congress six months to come up with a legislative fix that has yet to be passed.

In January, a California federal judge issued a nationwide injunction preventing the administration from rolling back the program and allowing its beneficiaries to reapply for work authorization and deportation protection. Even though court orders have barred the Trump administration from outright terminating the programs, "TPS and DACA are still vulnerable," said Paromita Shah, associate director of the National Immigration Project of the National Lawyers Guild. Shah said that her primary priority after the midterms is preventing the expansion of immigrant criminalization. She proposes scaling back immigration laws and policies that use the criminal justice system to "ensnare" immigrants. She cited the examples of the illegal re-entry statute, under which it is a federal felony to re-enter the U.S. without permission after being legally removed, and certain mandatory deportation pathways in the Immigration and Nationality Act. Grewal said the ACLU would also like to see "deep cuts" to the Homeland Security budget. Trump requested \$52.7 billion in funding for the agency for fiscal year 2019. In 2018, it received \$47.8 billion. "[DHS] sub-agencies, Immigration and Customs Enforcement and Customs and Border Protection, are inflicting irreparable damage on immigrant communities and receiving record levels of funding from Congress to do so," Grewal said.

#### **Exit poll: Nearly half of voters say Trump's immigration policy 'too tough'**

[The Hill](#) [11/6/2018 6:45 PM, Tal Axelrod, 2630K] reports that nearly half of midterm voters surveyed thus far view immigration policies as "too tough." About 48 percent of those who have already voted in their midterm races said they thought the White House's immigration policies go too far. Sixteen percent surveyed said the Trump administration's policies are not tough enough, while 32 percent said they are "about right," according to initial exit polls reported by CNN.

#### **My father wants to end illegal immigration with this answer**

[The Hill](#) [11/6/2018 9:00 AM, Donald Trump Jr., 2630K] reports that President Trump has pledged to fix our broken immigration system with his most decisive action yet to close the "anchor baby" loophole. There are an estimated 12 million illegal aliens living in the United States. A study by Yale University and the Massachusetts Institute of Technology found there could even be as many as 22 million illegal aliens here. In 2014, there were 300,000 babies born to illegal aliens in the United States. This is 10 times as many as in the early 1980s and twice as many as all the children born in the six states that comprise New England. In Los Angeles alone, illegal aliens give birth to more children than all of the citizens in South Carolina. More than half of these births are paid for by taxpayers.

Meanwhile, unknown thousands of Chinese families are engaging in "birth tourism" by taking advantage of tourist visas, visiting "maternity hotels" in California and our Pacific territories to give birth, and then heading back home with their newborn children. This is an ongoing practice that resulted in an estimated 60,000 births in our country in 2014. Absurdly, every one of these children automatically becomes a United States citizen because the 14th Amendment, which has never been favorably ruled on by the Supreme Court, has been misinterpreted. As my father astutely noted, the 14th Amendment was never intended to create this instant citizenship racket. By eliminating birthright citizenship, Donald Trump will bring us one huge step closer to truly fixing our broken immigration

system and saving America from the deadly and costly open borders agenda of the Democrats.

**[MA] Salvadoran parents reunite with son at Logan after 11-year-old is held in detention for three months**

[Boston Globe](#) [11/6/2018 7:18 PM, Cristela Guerra, 854K, MA] reports that 11-year-old Nestor Fabricio nuzzled his mother and father, hugging them as if he couldn't believe they were real, as if they would disappear. This was the moment his parents, Evelyn, 34, and Hector, 35, had been waiting for, to bring home their oldest, the piece of their hearts left behind in their native El Salvador years ago. On Tuesday afternoon, inside Logan Airport's Terminal B, travelers saw the family reunion tearfully unfold. After more than three months at Bokenkamp Children's Shelter, a detention center for unaccompanied immigrant minors in Corpus Christi, Texas, Nestor had been released to his parents' custody. The last time Evelyn saw her son in El Salvador he had just started kindergarten. The last time Hector saw his son was a decade ago.

**[PA] ICE Detention Center Says It's Not Responsible for Staff's Sexual Abuse of Detainees**

[American Civil Liberties Union](#) [11/5/2018 1:15 PM, Victoria Lopez and Sandra Park, 123K] reports all 50 states, the District of Columbia, and the federal government impose criminal liability on correctional facility staff who have sexual contact with people in their custody. These laws recognize that any sexual activity between detainees and detention facility staff, with or without the use of force, is unlawful because of the inherent power imbalance when people are in custody. Yet, one immigration detention center is trying to avoid responsibility for sexual violence within its walls by arguing that the detainee "consented" to sexual abuse. E.D., an asylum-seeker and domestic violence survivor from Honduras, was sexually assaulted by an employee while she was detained with her 3-year-old child at the Berks Family Residential Center in Pennsylvania. At the time of the assault, E.D. was 19 years old. She filed suit against the detention center and its staff for their failure to protect her from sexual violence, even though they were aware of the risk. The record in the case, E.D. v. Sharkey, shows that her assailant coerced and threatened her, including with possible deportation, while the defendants stood by and made jokes. Although the employee pled guilty to criminal institutional sexual assault under Pennsylvania law, the defendants contend that they should not be liable for any constitutional violations. Their argument rests in part on their assessment that the sexual abuse was "consensual" and that they should be held to a different standard because the Berks Family Residential Center is an immigration detention facility rather than a jail or prison.

The ACLU, ACLU of Pennsylvania, and partner organizations filed an amicus brief this week supporting E.D., explaining that officials wield such tremendous control over the lives of those in their custody, including through coercion and exploitation, that consent to sexual contact cannot be freely given in these circumstances. We also discuss how sexual violence in custodial settings is a serious and pervasive issue, including in immigration detention. A recent investigation into sexual abuse in immigration detention found that there were 1,448 allegations of sexual abuse filed with ICE between 2012 and March 2018. In 2017 alone, there were 237 allegations of sexual abuse in immigration detention facilities.

**[FL] Cuban Man Dies in US Immigration Custody**

[VOA News](#) [11/6/2018 3:30 PM, Victoria Macchi, 1028K, DC] reports a Cuba-born detainee slated for deportation died in Florida last week, marking the 10th death in the custody of U.S. Immigration and Customs Enforcement this year. A cellmate of Wilfredo Padron, 58, found him unresponsive in their cell on Nov. 1. An investigation into what caused Padron's death is ongoing, but ICE officials believe "cardiac-related natural causes" killed the detainee at Monroe County Detention Center in Key West. An ICE official confirmed to VOA that Padron was a "Marielito," one of more than 100,000 Cubans allowed to leave the island by boat in 1980, in what became known as the Mariel boatlift. For years, Havana declined to receive deportees from the United States. The number of Cubans removed to the country is increasing, however. In fiscal 2016, Cuba accepted 64; in fiscal 2017, the country accepted 160. Final data for fiscal 2018 are not available, but from Oct. 1, 2017, to July 30, 2018, 364 Cuba-born detainees were sent back to the island. An ICE official told VOA the increase was not the result of any change on the part of the agency, which is "still doing business as usual."

**[TX] 'Caravan-related exercise' on the Texas border canceled because of election day concerns**

[Los Angeles Times](#) [11/6/2018 5:05 PM, Molly Hennessy-Fiske, 3575K] reports U.S. troops have been climbing, armed, from helicopters onto the borderlands of south Texas this week, dozens riding in on heavy military vehicles, stringing concertina wire and erecting temporary structures near border bridges where Border Patrol agents train in riot gear. President Trump deployed hundreds of troops to Texas last week as the first stage of Operation Faithful Patriot, an effort to fortify the border before a caravan of at least 3,500 immigrants arrives in the coming weeks. This week, the Pentagon said more than 7,000 active-duty troops will eventually have a far more visible role in supporting the border operation, with the largest group – 2,600 – in Texas, where preparations with the Border Patrol have stirred controversy and concern. On Tuesday, election day, Border Patrol officials in El Paso canceled a "crowd-control exercise" planned near a border bridge in the historic Chihuahueta neighborhood half an hour before it was scheduled to begin. A Border Patrol spokesman said the "joint caravan-related exercise" was postponed "out of an abundance of caution" and "due to inaccurate reporting that caused unneeded confusion in border communities."

[BuzzFeed](#) [11/6/2018 1:52 PM, Vera Bergengruen, 8149K] reports U.S. Border Patrol agents on Tuesday canceled a "crowd control exercise" they had planned in El Paso, Texas, after civil rights groups and lawmakers slammed it as a voter intimidation tactic. The location, near the Hispanic neighborhood of Chihuahueta, and the timing on Election Day raised suspicions, said Terri Burke, the executive director of the ACLU of Texas. "It shouldn't have taken outrage by us, congresspeople and the community for Border Patrol to know this would cause serious problems on Election Day," she said in an emailed statement. "These suspicious exercises scheduled in a Latinx neighborhood raise serious concerns about whether this was intended to intimidate Texans from exercising their right to vote." Texas Democrats were quick to denounce the planned drill as a "political stunt." "This administration continues to use immigration policy for political purposes," Democratic state Rep. Mary Gonzalez, who serves as vice chair of the Mexican American Legislative Caucus in the Texas House, said in a statement. Earlier Tuesday, Texas officials denied that the exercise – which was planned to take place between the Hispanic neighborhood and its designated polling place about a half-mile away – would suppress voter turnout. "I'm convinced the exercises aren't getting in the way of Texans going to the polls," Texas Secretary of State Rolando Pablos told the Texas Monthly, noting that he has spoken with

the U.S. Customs and Border Protection director of field operations. Border Patrol officials did not give a reason for scrapping the exercise, which they told BuzzFeed News was supposed to take place Tuesday morning at the railroad crossing west of the Paso del Norte point of entry in El Paso, which is also the hometown of the state's Democratic Senate candidate Beto O'Rourke.

[TIME](#) [11/6/2018 2:28 PM, Gina Martinez, 3468K] reports that in a statement U.S. Customs and Border Protection spokeswoman Corry Schiermeyer blamed "inaccurate reporting" that caused "unneeded" confusion in border communities for the cancelation of Tuesday's exercise. She said that the training exercises were meant to prepare for the potential arrival of the migrant caravan. In a statement to ABC News, Homeland Security spokesperson Tyler Q. Houlton said there was no connection to the exercise and Election Day. "The suggestion that ongoing exercises at ports of entry in anticipation of a potential mass arrival of migrants are tied to voting by any group is flat-out wrong," Houlton said. "DHS has worked tirelessly to ensure the security of our election systems and will always secure our borders regardless of what day it might be."

Reported similarly:

[ABC News](#) [11/6/2018 3:38 PM, Anne Flaherty, 2704K]

[Newsweek](#) [11/6/2018 10:14 AM, Ewan Palmer, 1720K]

[Common Dreams](#) [11/6/2018 1:17 PM, Jessica Corbett, 226K, ME]

[Houston Chronicle](#) [11/6/2018 11:03 AM, Julian Aguilar, TX]

[El Paso Times](#) [11/6/2018 9:34 AM, Staff, 11K, TX]

#### **[TX] Police, Respite Center on Standby as Caravan Pushes North**

[KRGV](#) [11/6/2018 8:11 PM, Taylor Winkel, 12K, TX] reports some local police departments, as well as a respite center, are on standby as the migrant caravan pushes north. She says they're in need of donations for food, water and clothing in order to help families who may be stranded at the border. KRGV's Taylor Winkel reached out to police departments throughout the Valley. "We are going to be hopefully having more units out there on the road, also units protecting our citizens," says Chief Jose De La Rosa. Several others say they've had meetings pertaining to the migrant caravan and are discussing the situation with Border Patrol. [Editorial note: consult source link for video]

#### **[OR] Oregon overwhelmingly votes to keep sanctuary law protecting illegal immigrants**

[Washington Times](#) [11/7/2018 1:37 AM, Stephen Dinan, 547K, DC] reports Oregon voters overwhelmingly voted Tuesday to back the state's sanctuary law protecting illegal immigrants, in a rebuke to one of President Trump's most iconic campaign issues. With most ballots counted, voters rejected an effort to overturn a state prohibition on assisting federal immigration enforcement by a 63-37 margin. That margin was all the more striking because the pro-sanctuary vote far outperformed Democratic Gov. Kate Brown, who had just 50 percent of the vote Wednesday morning. Oregon's law, enacted more than 30 years ago, prohibits law enforcement from spending taxpayer money to investigate or arrest "persons whose only violation of law is that they are persons of foreign citizenship present in the United States in violation of federal immigration laws." Portland, Oregon's biggest city, was the scene earlier this year of violent protests against U.S. Immigration and Customs Enforcement by left-wing activists demanding the deportation agency be abolished.



Reported similarly: [KGW](#) [11/6/2018 11:48 PM, Staff, 79K, OR]

**[CA] ICE agent gets a year in prison for helping Mexican national gain reentry to U.S.**  
[Los Angeles Times](#) [11/6/2018 10:40 AM, Alejandra Reyes-Velarde, 291K] reports a U.S. Immigration and Customs Enforcement special agent convicted of helping a Mexican national with multiple felony convictions reenter the country illegally was sentenced Monday to one year and one day in prison, officials said. Felix Cisneros Jr., 44, was convicted in April of four felony counts, including conspiracy to aid and assist the entry into the U.S. of a Mexican national convicted of an aggravated felony, falsifying records in a federal investigation and making false statements. The Murrieta resident is an 11-year veteran of ICE and has been suspended indefinitely from the agency, the Department of Justice said. As an ICE agent, Cisneros worked undercover and investigated money laundering as well as human and narcotics trafficking, according to court records. The man Cisneros helped – Santiago Garcia-Gutierrez – was a lawful permanent resident of the United States, but he had been barred from legally entering the country because of prior criminal convictions and an outstanding warrant for his arrest from the Burbank Police Department, court documents show.

## Legal News

### **Trump Administration Urges Supreme Court to Rule on DACA in Attempt to Bypass Lower Courts**

[Newsweek](#) [11/6/2018 7:55 AM, Chantal Da Silva, 1720K] reports that a day before Tuesday's midterm elections, the Justice Department asked the U.S. Supreme Court to intervene in the Trump administration's bid to terminate the Obama-era Deferred Action for Childhood Arrivals program, which protects hundreds of thousands of undocumented immigrants brought to the U.S. as children from deportation. The Justice Department filed its court documents late on Monday, according to CBS News, with Solicitor General Noel Francisco calling for the Supreme Court to bypass three federal appellate courts and rule directly on whether it is lawful for the Trump administration to end DACA, after the government saw its plans to terminate the program thwarted by injunctions from three federal circuit courts. Francisco argued that it was "wrong" of courts to issue the injunctions and urged the Supreme Court to consider the case for "immediate review." The Supreme Court had previously denied the government's request to hear its appeal after a district court's order prevented the government from ending the DACA program before the 9th Circuit's review of the case.

### **[NY] Lawsuit Claims Trump Administration Detains Immigrant Kids for Too Long**

[WNYC](#) [11/7/2018 4:00 AM, Beth Fertig, 150K, NY] reports a federal lawsuit filed in New York on Tuesday night claims the Trump administration is taking too long to release immigrant kids in detention, putting them at psychological risk. The plaintiffs include six teenagers, four of them in New York, plus their relatives. The teens are unaccompanied minors who were placed in shelters or foster care facilities after they crossed the southern border. They're supposed to be released to parents or other relatives here in the U.S. while their cases proceed in the immigration courts. But attorney Paige Austin of the New York Civil Liberties Union said their release is taking too long because the government now requires fingerprints of all adults including parents. The lawsuit says children in longterm

detention through the Office of Refugee Resettlement (ORR), which runs shelters for unaccompanied minors, suffer anxiety, a sense of helplessness, depression, suicidal ideation and even suicidal attempts. It also says these mental health effects are "worsened by the fact most children ORR detains have survived trauma – such as persecution, assault, or torture – in their home countries, and prolonged incarceration exacerbates those injuries." The number of children in federal custody has spiked to about 13,000 since the government began requiring more rigorous background checks last spring. The NYCLU is seeking class action status to speed the release of all children in detention to parents and other relatives.

**[KY] Ky. Family Court Must Weigh In On Immigrant Teen's Status**

[Law 360](#) [11/6/2018 4:22 PM, Tiffany Hu] reports a Kentucky appellate court has ruled that a family court is obligated to make findings regarding the welfare of an immigrant teen that would factor into whether she qualifies for lawful permanent residency, ruling that such fact-finding falls "squarely within the family court's jurisdiction." In a published opinion Friday, a panel majority said the family court erred by finding it didn't have the power to rule on certain questions regarding the status of a Guatemalan teen living in Kentucky, including whether she could safely return to her parents in her home country, that would allow the teen to seek lawful permanent residency based on so-called special immigrant juvenile status if the court issued favorable findings. The majority said the family court was not being asked to decide on the immigration status of the teen, who was deemed dependent on the court, but merely to exercise its "unique competence as a family court" to make findings with regards to the teen's best interests.

**[MT] Sheriff Bowe says ACLU suit claiming illegal detention of immigrant is unwarranted**

[Western News](#) [11/6/2018 5:00 AM, John Blodgett, MT] reports that the American Civil Liberties Union is suing Lincoln County Sheriff Roby Bowe, claiming he illegally detained a man at the request of federal officials. Bowe maintains that the Sheriff's Office routinely detains suspects at the request of federal agencies. The lawsuit filed Oct. 31 in Lincoln County District Court claims the sheriff has no legal right to hold Augustin Ramon, 32, of Eureka. Court documents indicate that Ramon has been in the Lincoln County Jail since Aug. 3, when Eureka Police Officer Grigori Neils arrested him on suspicion of burglary. According to Neils' case report, Ramon was arrested after he was allegedly found in a neighbor's residence while looking for prescription pain medication. Ramon said he stole the medications for his wife, Lily McNair. According to Neils' report, McNair was under investigation for stealing 30 pain pills. The same day of Ramon's arrest, the jail received a U.S. Department of Homeland Security immigration detainer from the U.S. Border Patrol in Eureka, asking the Sheriff's Office to hold Ramon. According to an affidavit, McNair paid a bail-bond company to post bail against Ramon's \$25,000 bond. When a bondsman attempted to post it, jail officials "refused to release Mr. Ramon, even after The Bondsman sought to post the full bail amount, because Mr. Ramon is subject to an Immigration Detainer," the affidavit states. Ramon on Monday was still incarcerated in the county jail. A hearing is scheduled for 10 a.m. Friday.

**[AZ] Motel 6 agrees to pay up to \$7.6 million to settle claim it helped ICE target Latino guests**

[Washington Post](#) [11/6/2018 4:07 PM, Lindsey Bever, 11653K] reports after a nationwide class-action lawsuit against Motel 6, the chain agreed to pay as much as \$7.6 million to

guests who said their private information was given to U.S. immigration agents, according to court records. Former guests sued Motel 6 over privacy violations earlier this year, alleging that the chain handed over their personal information to U.S. Immigration and Customs Enforcement agents, according to the lawsuit. The lawsuit came after a 2017 Phoenix New Times report that ICE agents made at least 20 arrests at two Motel 6 locations in Arizona. Under the proposed settlement agreement, the hotel also agreed not to share guests' personal information without a warrant or subpoena, unless necessary to prevent "a significant crime," according to the document. ICE did not immediately respond Tuesday to a request for comment. The lawsuit was filed after a report in Phoenix News Times by Antonia Noori Farzan showed that from February to August 2017, ICE agents arrested a Motel 6 guest about every two weeks in Arizona.

The [New York Times](#) [11/7/2018 3:19 AM, Julia Jacobs, 22322K] reports that former guests who were interrogated by immigration authorities as a result of having their information leaked would receive a class-wide total of \$1 million, while those who were placed in immigration removal proceedings would receive a total of up to \$5.6 million, according to court documents. The proposed settlement also calls for Motel 6 to put into effect a policy requiring employees to withhold guests' information from immigration authorities in the event that they do not have a warrant or subpoena – unless there is reason to believe doing so is necessary to prevent a "significant crime," according to court documents. A spokeswoman for ICE referred questions to the hotel company because it had not been named in the lawsuit.

Reported similarly:

[Reuters](#) [11/6/2018 10:48 AM, Jonathan Stempel, 4724K]

[NPR](#) [11/6/2018 3:57 PM, Camila Domonoske]

[Montana Public Radio](#) [11/6/2018 3:04 PM, Laurel Wamsley, 3K, MT]

[NBC News](#) [11/6/2018 12:22 PM, Didi Martinez, 3539K]

[UPI](#) [11/6/2018 1:18 PM, Nicholas Sakelaris, 303K]

## **Enforcement News**

### **[TN] Immigration board rejects Spanish-language reporter's appeal**

[Washington Post](#) [11/6/2018 2:32 PM, Associated Press] reports that an immigration board has rejected an appeal from a Spanish-language news outlet reporter who was arrested during a demonstration in Tennessee. The Commercial Appeal reports that while the Board of Immigration Appeal granted Manuel Duran a stay of deportation in May, it rejected his appeal in mid-October. Latino Memphis attorney Christina Swatzell says Duran could be deported to El Salvador by mid-November, but he's fighting his case at the U.S. Court of Appeals for the Eleventh Circuit. The 42-year-old reporter was arrested for disorderly conduct and obstruction of a highway in April. A lawsuit asserting his detention was retaliation for news coverage was dismissed in September. Duran's lawyers have said he came to the U.S. after receiving death threats related to reporting on corruption in El Salvador.

### **[TX] MS-13 Member Arrested with Children near Texas Border**

[Breitbart](#) [11/6/2018 9:29 AM, Bob Price, 2405K] reports Rio Grande Valley Sector Border Patrol agents arrested a member of the transnational criminal gang known as Mara Salvatrucha on Friday. The agents found the gang member traveling with two children and a

group of nine other migrants. Earlier that day, agents arrested two other criminal aliens who had crossed the border illegally into the U.S. McAllen Station agents came upon a group of 12 migrants who had just illegally crossed the border from Mexico near the town of Abram, Texas. The agents took the group of migrants into custody and transported them to the station for processing, according to Rio Grande Valley Sector Border Patrol officials. During processing, the agents learned that one of the men is a known member of the MS-13 gang. Agents said the man was traveling with his two children.

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Thursday, Nov. 8, 2018**

## **Executive Office for Immigration Review**

Jeff Sessions gave Trump the immigration crackdown he wanted ..... 2

## **Policy and Legislative News**

Jeff Sessions forced out as attorney general..... 3

Jeff Sessions May Be Gone, But His Impact On Immigration Policy Will Live On ..... 4

Trump anticipates using executive action to push through immigration agenda..... 5

Trump to make asylum changes as soon as Friday..... 5

In Honduras, most returnees from caravan hope to try again ..... 5

Caravan Migrants Willing to 'Climb That Wall,' Claim Asylum to Get Jobs ..... 6

The story behind the photo of the little girl crying in the migrant caravan ..... 6

Lawyers for migrant caravan members give them stark advice: 'It's going to be difficult' ..... 6

Pentagon Drops 'Faithful Patriot' Name For Border Deployment..... 7

Why border needs U.S. troops .....7

The looming confrontation at the border .....8

ABA Urges ICE To Ax Changes To Immigrant Kid Detentions.....8

AG Ferguson and Gov. Inslee urge Trump Administration to withdraw rule weakening legal protections for immigrant children .....9

Democratic Control In House Means Oversight Of Trump's Immigration Crackdown ..... 10

House Committee To Take On Trump's Immigration Policies..... 10

McConnell expresses little appetite for tackling immigration ..... 10

[MI] ACLU of Michigan to call on Kent Co. leaders to end ICE contract..... 11

[WA] Law School Suspends Controversial ICE Externship..... 11

[OR] Oregon 'Sanctuary State' Policy Survives As Voters Reject Fearmongering ..... 11

## **Legal News**



[PA] Federal appeals judges hear arguments in Philly 'sanctuary city' case ..... 12

[AZ] Motel 6: \$7.6 million for guests reported to immigration ..... 12

[WA] 700 people have been helped by immigrant legal-defense network funded by Seattle and King County ..... 13

[CA] Church Volunteers Denied Access To Immigrant Detainees In Fight Over Right To Speak Out..... 13

### Enforcement News

[MA] Honduran murder suspect enters U.S. illegally, moves to Mass. .... 14

[MD] Police: Maryland man accused of raping child in Clay Township..... 14

[TN] Immigration board rejects Memphis reporter's appeal..... 14

[GA] Mexican nationals wanted since 2004 captured in Franklin County..... 14

[MI] Illegal immigrant in Royal Oak sentenced for drug crimes ..... 15

[WI] The ICE effect..... 15

[TX] Peruvian War Crimes Suspect Removed From US By Dallas ICE ..... 16

[CA] Anti-ICE Activist Facing Deportation Alleges Political Retaliation From U.S. Government..... 16

[CA] Feds Apprehend 3 Sex Offenders near Southwestern Border in One Day ..... 17

[CA] Honduran Man Details Being Dropped Off in San Diego in Unmarked ICE Bus..... 17

## Executive Office for Immigration Review

### Jeff Sessions gave Trump the immigration crackdown he wanted

[VOX](#) [11/7/2018 3:49 PM, Dara Lind, 3169K, DC] reports Jeff Sessions has resigned as President Trump's Attorney General, after months of harassment. But his legacy is going to get the last laugh. If President Trump and all his appointees left office tomorrow, instead of Sessions, the mark Sessions has left on policy would be the most enduring. In Trump's first year, arrests of unauthorized immigrants by Immigration and Customs Enforcement (ICE) agents (responsible for immigration enforcement in the "interior" of the US, away from the border) spiked 41 percent — nearly enough to make up for a steep decline in the number of immigrants crossing the border and getting caught by Border Patrol. But the Trump administration can't arrest its way to mass deportation. It has to fix the immigration court system. And Jeff Sessions knew that very well. Immigrants arrested within the US are entitled to a hearing in immigration court — and that legal process can stretch on for months, even years. The backlog of pending immigration court cases is now over 650,000. The average case currently pending in court has been pending for 711 days. And because immigrants who've been living in the US for longer and don't have criminal records are likely to fight deportation harder and longer, arresting more of those immigrants — as ICE is doing — is likely to swell the backlog even more than arresting the same number of immigrants with criminal records would. In early April, the DOJ sent a memo to all immigration judges telling them that "efficiency" would now factor into their performance reviews.

The DOJ set standards that it called "benchmarks": Judges would need to complete at least 700 cases a year to earn a "satisfactory" rating, while completion of fewer than 560 cases would lead to a judge being deemed "unsatisfactory." Immigration judges and lawyers assailed the "benchmarks" as quotas. But a DOJ source shrugged about the new directive

to the Washington Post, saying that 700 cases was only "three cases a day." The National Association of Immigration Judges, the judges union, estimates that when you account for the days court isn't in session and other factors, it's more like four cases a day. At the same time that the DOJ told judges that cases need to go faster, though, it made moves to eliminate some things that allowed cases to go faster but made it more likely that immigrants won. In April, for example, the DOJ announced abruptly that it was suspending a program that offered group "legal orientation" workshops to immigrants in detention centers — explaining to them how court hearings worked (necessary because there's no right to a lawyer in immigration court) and what options they might have to prevent a deportation order. The DOJ reversed its decision to suspend legal orientations under pressure from members of Congress. But it re-evaluated the program's effectiveness — and found, in a report with what the Vera Institute called "insurmountable flaws," that it was actually a cost-waster for the federal government. There's a similar pattern in the cases that Sessions referred to himself for review from the Board of Immigration Appeals, a tactic he used aggressively in the second half of his short tenure. In May, Sessions ruled that judges couldn't move cases off their docket by closing them without a deportation order — and opened the door to the reopening of 350,000 cases that had already been closed this way.

## **Policy and Legislative News**

### **Jeff Sessions forced out as attorney general**

[Washington Post](#) [11/7/2018 7:01 PM, Devlin Barrett, Matt Zapotosky and Josh Dawsey] reports that Attorney General Jeff Sessions resigned on Wednesday at President Trump's request, ending the tenure of a beleaguered loyalist whose relationship with the president was ruined when Sessions recused himself from control of the investigation of Russian interference in the 2016 presidential campaign. In a letter to Trump, Sessions wrote he had been "honored to serve as Attorney General" and had "worked to implement the law enforcement agenda based on the rule of law that formed a central part of your campaign for the presidency." Trump tweeted that Sessions would be replaced on an acting basis by Matthew G. Whitaker, who had been serving as Sessions's chief of staff. "We thank Attorney General Jeff Sessions for his service, and wish him well!" Trump tweeted. "A permanent replacement will be nominated at a later date."

The [Washington Post](#) [11/7/2018 2:51 PM, Sari Horwitz, Devlin Barrett and Matt Zapotosky, 11653K] also reports that to Sessions, President Trump was the man who could do no wrong. To Trump, Sessions was the attorney general who could do no right. On questions of immigration, police work, and civil rights, the president could hardly find a more eager champion of his administration's policies. As much as the shadow of the Russia probe has loomed over Sessions's tenure as attorney general, he has sought to make his time in that job about more than that — a return, as he calls it, to the principles of pro-police, anti-illegal immigration law enforcement. In May, standing before a sparkling Pacific Ocean and a looming border fence, Sessions emphasized his vision for America. "Today we're here to send a message to the world that we are not going to let the country be overwhelmed," Sessions said. "People are not going to caravan or otherwise stampede our border ... If you smuggle illegal aliens across our border, then we will prosecute you. If you are smuggling a child, then we will prosecute you. And that child may be separated from you as required by law."

While the family-separation policy pursued by the administration has been shelved, at least

for now, the broader set of immigration actions pursued by Sessions became a central argument for Trump and the Republicans as they sought to retain control of Congress. Avidah Moussavian, legislative director at the National Immigration Law Center, said Sessions "came in with a very strong anti-immigrant ideology, and a very deeply ingrained world view that is rooted in exclusion." Whether his directive that prosecutors bring cases against anyone who crosses the border illegally, his defense of Trump's ban of travelers from certain majority-Muslim countries or family separation, his effort to end the Deferred Action for Childhood Arrivals program, which granted a reprieve from deportation to people who had come here without documentation as children, or his opinions attempting to restrict asylum, Sessions has "demonstrated a willingness to radically transform our immigration system in ways that run around Congress and are sort of death by a thousand cuts, if you will," Moussavian said.

Reported similarly:

[New York Times](#) [11/7/2018 4:11 PM, Associated Press]

[Wall Street Journal](#) [11/7/2018 4:23 PM, Sadie Gurman and Aruna Viswanatha]

[Politico](#) [11/7/2018 4:09 PM, Darren Samuelsohn and Caitlin Oprysko]

[Huffington Post](#) [11/7/2018 6:00 PM, Elise Foley and Roque Planas, 9094K]

[USA Today](#) [11/7/2018 4:04 PM, Kevin Johnson]

[CNN](#) [11/7/2018 7:15 PM, Laura Jarrett and Eli Watkins]

[Washington Examiner](#) [11/7/2018 2:44 PM, Kelly Cohen, DC]

[Washington Examiner](#) [11/7/2018 3:59 PM, Tiana Lowe, 567K, DC]

[Washington Examiner](#) [11/7/2018 5:54 PM, Staff, 567K, DC]

### **Jeff Sessions May Be Gone, But His Impact On Immigration Policy Will Live On**

[BuzzFeed](#) [11/7/2018 6:07 PM, Hamed Aleaziz, 8149K] reports from the moment Donald Trump introduced Jeff Sessions as the first member of the U.S. Senate to endorse his candidacy for president, the two men have been bound by one topic: immigration. While much of the commentary about Sessions' departure turned on what will happen next to the special counsel's Trump-Russia probe, it's clear now that Sessions' biggest impact during the Trump administration will be on immigration policy. Though he lasted less than two years, Sessions made use of his limited time: He sued sanctuary cities and states. He recommended that the president rescind a popular program that protected immigrants from deportation and later announced its end. He implemented a "zero tolerance" policy at the border that resulted in parents being separated from their children.

Sessions' legacy on immigration will go beyond the changes he's made in the courts – his former Senate aide, Stephen Miller, is a key adviser to the president and will continue to take a key role in drafting and leading changes to the immigration system. He won't be able to replace Sessions, said the Migration Policy Institute's Pierce. "As Jeff Sessions showed us, the attorney general is in a unique position to enact wide-reaching changes on the immigration system," she said.

[Quartz](#) [11/7/2018 3:39 PM, Ana Campoy] reports that as a US senator, Jeff Sessions was one of his party's fiercest anti-immigration advocates, even penning a detailed manual on how to curb it. The Department of Justice has provided him a platform to implement some of those ideas. One of his roles as attorney general is to oversee immigration courts, which unlike other courts are not part of an independent judicial power from the executive branch. He's broadly used that authority to influence how those courts apply immigration law, including by reopening closed cases and overruling the decisions that settled them. He has

done that on numerous occasions to make it more difficult for immigrants to stay in the US. Sessions also put pressure on immigration judges to process cases more quickly, an attempt to reduce the courts' bulging docket that immigrant advocates said scrimped on due process.

Additional reporting:

[The Atlantic](#) [11/7/2018 5:27 PM, David A. Graham, 3386K]

[Marshall Project](#) [11/7/2018 10:00 PM, Julia Preston]

[Pacific Standard](#) [11/7/2018 6:45 PM, Kate Wheeling, CA]

### **Trump anticipates using executive action to push through immigration agenda**

[Washington Post](#) [11/7/2018 9:00 PM, Staff] reports President Trump on Nov. 7 said some of his immigration agenda would be determined by the Supreme Court. [Editorial note: consult source link for video]

### **Trump to make asylum changes as soon as Friday**

[Politico](#) [11/7/2018 9:29 PM, Ted Hesson and Andrew Rustuccia, 2709K] reports President Donald Trump plans to take executive action, possibly as early as Friday, to limit the ability of migrants to seek asylum at the southwest border, an administration official confirmed Wednesday. Trump signaled last week that he would issue a "comprehensive" directive in the coming days that deals with immigration. A working group of administration officials met Wednesday to discuss possible moves, according to a Homeland Security Department official with knowledge of the gathering. The group weighed restricting the ability of people caught between ports of entry to make a "credible fear" claim, the first step in an asylum application, the official said.

[The Hill](#) [11/7/2018 5:56 PM, Michael Burke, 2630K] reports that the president said his policy would be "totally legal" even though current law allows immigrants to seek asylum even if they don't come into the country via a port of entry. He also said last week that the policy would be implemented through an executive order by this week. "Under this plan, the illegal aliens will no longer get a free pass into the country by lodging meritless claims in seeking asylum," Trump said during a speech from the White House.

The [Wall Street Journal](#) [11/7/2018 5:18 PM, Vivian Salama] reports that currently, migrants who cross the border into the U.S. have up to a year to request asylum, regardless of how they got here. Mr. Trump said last week he wants to keep undocumented immigrants apprehended at the border in detention until their legal cases are heard, rather than allow them to be released into the U.S. to await a hearing.

### **In Honduras, most returnees from caravan hope to try again**

[Washington Post](#) [11/7/2018 5:32 PM, Maria Verza] reports the Metropolitan Grand Central bus terminal in San Pedro Sula where the migrant caravan traveling through Mexico originated more than three weeks ago is a place of crossing destinies for Hondurans dreaming of seeking a better life in the United States. Some of the dozens of people sleeping on the concrete floor or outside on the grass underneath palm trees bathed by the light of street lamps are awaiting buses to the Guatemalan border to begin the journey north. Others are arriving after failing to complete the trip and are being ferried back to the precarious lives they left behind.

Hundreds of the mostly Honduran migrants who set out with the caravan that has traversed hundreds of miles through three countries before arriving in Mexico City this week have returned home, according to the Mexican government. Some grew disillusioned. Others simply wore out. Still others were detained and returned, or gave up on waiting for possible asylum in Mexico and accepted bus rides back home. Disembarking at the bus station in San Pedro Sula, nearly all of those returning said the same thing: Maybe not today, maybe not tomorrow, but they intend to try again.

### **Caravan Migrants Willing to 'Climb That Wall,' Claim Asylum to Get Jobs**

[Epoch Times](#) [11/7/2018 6:54 PM, Petr Svab, 206K] reports as thousands of Central Americans travel north in caravans toward the United States border, several of the travelers explained that they have trouble getting a job in their home country or that they want a better one. For that reason, they're willing to go to great lengths to apply for asylum in the United States. Gaining asylum in the United States requires a credible claim of persecution or at least credible fear of persecution based on race, religion, nationality, political opinion, and/or membership in a particular social group. Central American migrants commonly apply for asylum but about 80 percent have their claims denied.

Alfonso Mejia, 43, came from Costa Rica and joined the caravan in Huixtla, Mexico. "Everyone's going to the U.S. We're going to climb that wall. Donald Trump is going to understand that we are the majority, the people," he said. "I'm going to apply for asylum here in Mexico first. I have no criminal record, I have led a good life, thanks to God. Then afterwards the U.S., why not?"

### **The story behind the photo of the little girl crying in the migrant caravan**

[Washington Post](#) [11/7/2018 1:16 PM, Michael E. Miller] reports that the migrant caravan came alive one morning last week with a rustle of plastic tarps being taken down and packed. A crowd gathered well before dawn. Near the back of that crowd stood Keila Savioll Mejia. Two weeks earlier, the shy 21-year-old had left home in Honduras to join the caravan with her 2-year-old and 4-year-old daughters. She listened as organizers announced that two trucks were available to take women and children from Tapanatepec to the next stop, 33 miles away. Mejia thought about rushing forward to claim the last spot. Both of her daughters were sick and Camila, the oldest, was tired of walking. But she said she worried they would be crushed or suffocated in the throng. So she let others climb into the back of the truck, which soon overflowed with about three dozen people. "There are no more trucks," an organizer said over a loudspeaker. "Let's go." And with that, Mejia and her daughters set off on foot.

President Trump has portrayed the migrant caravan as a monolithic threat, a mass of "terrorists" intent on "invading" the United States. In reality, the caravan is a collection of individuals and families, each with their own story. And few were worse off than Mejia. When she heard of the caravan forming in San Pedro Sula just 50 miles away, Mejia borrowed 500 lempiras from a friend, packed her daughter's backpack and boarded a bus to the capital. By the time they caught up to the caravan a few days later, Mejia had spent half her money on bus fare. She quickly used the rest to buy food for the girls. "We've had to walk ever since," she said.

### **Lawyers for migrant caravan members give them stark advice: 'It's going to be difficult'**



[FOX News](#) [11/7/2018 9:09 AM, William La Jeunesse, 10787K] reports that the park hosting some 7,000 migrants looks like something out of a renaissance fair, with dozens of small tents giving away shoes or offering a host of services, like dental work, medical care, telephones, haircuts, food and, perhaps the most important product – legal advice. A line began to form Tuesday outside the Institute for Women in Migration before a 10 a.m. seminar. A dozen men formed a circle around U.S. attorney Anna Joseph when she began to speak. "We are telling them it's going to be difficult," she said. "We're telling them this administration is not amenable to asylum right now, so even though many have legitimate claims, they're going to be up against a very tough system at the moment due to orders from above." Trump wants the caravan to turn around, promising to unleash military assets and potentially amend asylum laws to stop their entry. Yet, Joseph's advice is the first concrete, straight-forward and honest assessment of the situation many received in weeks. After hearing some of the migrants' individual stories, Joseph suggested some might reconsider their dreams of living in the U.S. "A lot depends on how the administration decides to address the situation and the role of the military," she said. "We're telling people there is already a wait of over 1,000 people in Tijuana." She said legal advisers are not trying to deter people, "but trying to give them options and information."

### **Pentagon Drops 'Faithful Patriot' Name For Border Deployment**

[The Daily Caller](#) [11/7/2018 1:47 PM, Will Racke, 909K, DC] reports the Pentagon is no longer using the name "Operation Faithful Patriot" to refer to the ongoing deployment of troops to the southwest border and will instead couch the mission in more generic terms of support to federal law enforcement, according to U.S. officials. "We are not calling it 'Operation Faithful Patriot,' we are calling it 'border support,'" Pentagon spokesperson Lt. Col. Jamie Davis said Wednesday, according to CNN. The directive to drop the "Faithful Patriot" moniker came from Defense Secretary Jim Mattis' office and was issued on Election Day, The Wall Street Journal reported, citing administration officials. One explanation for the change was that the troops at the border were not part of an actual "operation," a term typically associated with combat situations. The Pentagon has not publicly given a reason for the name change. As of early November, roughly 8,000 active duty troops had been sent to Texas, Arizona and California under the formerly named Faithful Patriot deployment. President Donald Trump ordered troops to the border in response to a caravan of several thousand Central American migrants traveling north through Mexico with the aim of applying for asylum in the U.S. Critics of the move accused Trump of using the deployment to stir up fears of illegal immigration in advance of the midterm elections. Many also said it was inappropriate to send to military to the border to confront asylum seekers at the ports of entry.

Reported similarly:

[Huffington Post](#) [11/7/2018 10:43 PM, Carla Herreria]

[NBC News](#) [11/7/2018 3:43 PM, Staff, 3539K]

### **Why border needs U.S. troops**

[San Diego Union Tribune](#) [11/7/2018 11:45 AM, Terence L. Shigg, 291K, CA] reports the U. S. military operation Faithful Patriot and Customs and Border Protection's mission Secure The Line can be declared successes before they have even begun. A banner can be placed across the San Ysidro Port Of Entry declaring this momentous achievement. I say this jokingly, but all good jokes have a hint of truth -- this one more so than most. I have been a Border Patrol agent and union official in one capacity or another for over 20 years. I have

endured many different administrations, organizational changes and operations. This current move to deploy troops to the U.S. border to deal with the caravan highlights the complexity of the status of border security and national security. As a Border Patrol agent and a union official, I welcome the troops going to the border. Agents on the ground on the border desperately need the assistance. We have faced low manpower and low morale which are two debilitating forces when it comes to the mission of protecting America. Customs and Border Protection Commissioner Kevin McAleenan has stated that the U.S. will not allow large groups to enter the U.S. in an unsafe and unlawful manner. The federal government from the top (President Donald Trump) all the way to the San Diego sector chief (Rodney Scott) have been consistent in their hard stance.

The question is, has it worked, and, if so, what has it accomplished? I have been told in my capacity as the local union president that the point was to show that the system was broken. To prove that some judges and U.S. attorneys do not want to prosecute those who cross the border illegally. To prove that ICE Enforcement and Removal Operations was not doing its job. To prove that without the funding needed to support an already-overtaxed asylum system, there would continue to be waves of people manipulating the system in order to be released into the U.S. and never to be seen by an immigration official again. This concerns me and should concern everyone because the impact and the message it sends is discouraging. The message is we are satisfied with the status quo even though we know it is inefficient, ineffective and not what we espouse as a country.

### **The looming confrontation at the border**

[Washington Times](#) [11/7/2018 4:06 PM, Peter Morici, 547K, DC] reports the eminent confrontation between U.S. security personnel and migrant caravans headed for our southern border raises national security issues too long avoided. Lacking action by Congress, President Trump has every responsibility to seal the border, deny birthright citizenship to these migrants and force Mexico to deal with the migration crisis its lax policies enable. State entropy and violence are not limited to Central America. Several South American countries, the Middle East and much of Africa are plagued by uncontrollable gang violence, civil war, drought and famine, or simple overpopulation and unemployment that drive millions north to the United States, the EU and other Western nations. Those new arrivals would not enrich our nations but rather stress government resources and national cultural cohesion to the breaking point. In the United States — thanks to an immigration system driven more by an indiscriminate lottery and abuses of family reunification privileges than the needs of the economy — about half of immigrants are poorly educated and qualify for means-tested entitlements. They pull down wages for less-skilled workers and impose cultural dissonance on working-class communities. The Trump administration should not be under any international or domestic legal obligation to admit the migrant caravan now headed here. Mexico offers opportunities for asylum these migrants forgo — despite more accessible employment opportunities in a country where Spanish is the language of the workplace.

### **ABA Urges ICE To Ax Changes To Immigrant Kid Detentions**

[Law 360](#) [11/7/2018 4:00 PM, Tiffany Hu] reports the American Bar Association on Tuesday urged U.S. Immigration and Customs Enforcement to withdraw its proposed changes to the so-called Flores settlement agreement, saying the new rule does little to protect immigrant children in detention centers. ABA President Bob Carlson penned a letter criticizing the government's proposed rule to terminate a 1997 federal consent decree known as the

Flores settlement agreement that outlines detention guidelines for minors, telling ICE the proposed new regulation is "antithetical" to the settlement agreement by allowing the children to be detained indefinitely and turning the practice of family separation into law. Carlson, on behalf of the ABA, also blasted several aspects of the proposed rule that he said would give the U.S. Department of Homeland Security and detention workers too much discretion in determining immigrant children's status and placement, or else fail to adequately inform the children of their rights. The Flores settlement agreement created certain standards of care for immigrant children in detention, including the requirement that they not be detained in adult detention facilities for more than 20 days.

In September, in response to President Donald Trump's executive order in June, the government published a proposed rule in the Federal Register that would vacate the agreement and allow the administration to detain children with their parents for the entire duration of their parents' criminal or immigration proceedings, which often last months or years. The government's proposal says migrant families apprehended at the border can face three scenarios during immigration court proceedings: Parents and children can be paroled together into the U.S., parents can be detained while their children are released to U.S. Department of Health and Human Services custody or another legal guardian, or the families can be held together in a family detention center. But there are few licensed family detention centers, which has "effectively prevented the government from using the third option for more than a limited period of time," the proposed rule says. An ICE spokeswoman declined to comment Wednesday.

Additional reporting: [ABA Journal](#) [11/7/2018 4:09 PM, Lorelei Laird, 43K]

### **AG Ferguson and Gov. Inslee urge Trump Administration to withdraw rule weakening legal protections for immigrant children**

[Attorney General: Washington State](#) [11/7/2018 11:46 AM, Staff, 5K] reports in response to a proposed rule relaxing legal protections for migrant children, Attorney General Bob Ferguson and Gov. Jay Inslee submitted a comment letter urging the federal government to withdraw the proposal. "Washington is no stranger to the devastating impacts of institutional detention. This Administration's family separation policies are appallingly reminiscent of the immoral removal of Native American children from their families and the unjustified internment of thousands of innocent Japanese Americans." "Instead of learning from the past, the Trump Administration insists on repeating it. The policies embedded in this proposal would reverse protections for migrant children, allowing the federal government to detain them for prolonged, potentially indefinite, amounts of time. It also attempts to skirt state licensing standards that ensure innocent children are housed in safe facilities, rather than restrictive settings." "The Trump Administration's attempt to reverse longstanding requirements that are in the best interest of children and families cannot stand. For decades, courts have prohibited the detainment of children for long periods of time."

"This proposal to indefinitely detain families disguised as immigration policy is unacceptable. The consensus among medical providers, mental health experts and social scientists is that institutional detention harms children. To leverage that harm as a means of deterring future immigration is shameful and contrary to the evidence." The proposed rule, "Apprehension, Processing, Care, and Custody of Alien Minors and Unaccompanied Alien Children," purports to codify the requirements of a settlement agreement that came out of the Flores case, a class action lawsuit from the 1980s. The Flores agreement set the

"Nationwide policy for the detention, release, and treatment of minors in the custody" of the U.S. Department of Homeland Security.

### **Democratic Control In House Means Oversight Of Trump's Immigration Crackdown**

[Huffington Post](#) [11/7/2018 10:37 AM, Elise Foley] reports that the new Democratic majority in the House of Representatives can't force President Donald Trump to abandon his efforts to crack down on asylum-seekers, migrant families and immigrants already living in the U.S. But it can make it harder for him to enact his agenda. Whether through oversight, withholding funds or passing pro-immigrant bills and daring the Republican-controlled Senate and the president to shoot them down, Democrats now have leverage on immigration. Republicans, of course, will still control the Senate after Tuesday's midterms, and Trump will still be in the White House, where he has already cracked down on undocumented immigrants without congressional help.

Additional reporting:

[Huffington Post](#) [11/7/2018 12:29 PM, Paul Blumenthal and Chris D'Angelo]

### **House Committee To Take On Trump's Immigration Policies**

[Law 360](#) [11/7/2018 9:55 PM, Nicole Narea] reports Democrats on the U.S. House Homeland Security Committee are planning to soon conduct hearings on some of President Donald Trump's most defining immigration policies, from the separation of immigrant families to family detention, in light of their new majority in the chamber, congressional staff members told Law360 on Wednesday. President Trump focused on immigration issues in the weeks leading to the midterm election, vowing to send troops to the Southern border to deal with a caravan of Honduran migrants in Mexico hundreds of miles from the U.S. border, telling reporters that he would issue an executive order to terminate birthright citizenship, and proposing the detention of asylum seekers in tent cities if they do not present themselves at ports of entry. The rhetoric, paired with Trump's history of controversial immigration measures from the travel ban to separating immigrant children from their parents, has left many Democrats looking for ways to intervene.

A staffer for ranking member Bennie Thompson, D-Miss., told Law360 on condition of anonymity that Republicans have engaged in minimal oversight on many issues over the past two years, sometimes to provide cover for the administration and leaving Democrats without the answers they seek. In the new Congress, Democrats on the Homeland Security Committee intend to change that by emphasizing that the House cannot and should not be a rubber stamp for the administration, according to the staffer. The staffer said that Thompson is expected to take over as chairman of the committee in the new year. He has vocally opposed Trump's immigration policies. In recent months, Thompson has also criticized the Trump's administration's proposal to deny green cards to immigrants on public benefits such as CHIP and Medicaid, the expansion of family detention, and DHS' decision to transfer millions in funds from the Federal Emergency Management agency to U.S. Immigration and Customs Enforcement.

### **McConnell expresses little appetite for tackling immigration**

[CNN](#) [11/7/2018 6:02 PM, Suzanne Malveaux] reports that despite President Donald Trump's alarm that a caravan of migrants heading to the U.S. border from Central America was causing a "crisis" in the run-up to the midterm elections, Republican leadership in the Senate expressed little desire Wednesday to tackle the immigration issue. Senate Majority

Leader Mitch McConnell, who appears on track to oversee an even greater Republican majority in the next Congress, responded, "oh my goodness" when a reporter asked about the possibility Republicans would pursue a legislative solution for participants of the Deferred Action for Childhood Arrivals program – more colloquially referred to as "DACA" – and other undocumented immigrants who arrived in the US as minors whose futures are in limbo. Their work permits and deferrals from deportation are uncertain as their fate is being held up in the courts. "I can't imagine, with all the things that we have to do here to wrap up this Congress, that we would revisit immigration, but who knows?" McConnell said. McConnell, as he's done before, blamed the Democrats for Congress' failure to pass immigration reform. "It's on the agenda every year because we have serious immigration issues," McConnell said. "I would remind all of you all the Democrats had total control of the government in 2009 and 2010 and never dealt with the immigration issue. So it seems that no matter who's up or who's down, we have not been able to come to some kind of conclusion about what to do on immigration."

**[MI] ACLU of Michigan to call on Kent Co. leaders to end ICE contract**

[FOX 17](#) [11/8/2018 5:48 AM, Staff, MI] reports the American Civil Liberties Union of Michigan is getting involved in an ongoing call for leaders in Kent County to end their contract with U.S. Immigration and Customs Enforcement. This has been an ongoing topic at commission meetings for the last several months, with protesters disrupting some of the meetings hoping to be heard. Protesters believe the county only has a contract with ICE for money it gets from immigrants that are arrested and processed at the county's jail. The county has already met with the protesters, saying ending the contract is against the law. "The ACLU has looked at the law and its very clear, there is absolutely no reason Kent County Sheriff can't end the contract, and why the Kent County commission can't make steps to make that happens to make sure Kent County is a welcoming community for immigrants," said Miriam Aukerman, senior staff attorney for the ACLU of Michigan. The ACLU is expected to present a letter signed by business owners, faith leaders, and residents, demanding the county end its contract.

**[WA] Law School Suspends Controversial ICE Externship**

[The Spectator](#) [11/7/2018 1:24 PM, Josh Merchant, 1K, WA] In September, many Seattle University law students attended an externship fair where organizations advertised the externships they offer to Seattle U students in exchange for course credit. Among the hundreds of programs that Seattle U offers was one that caught the attention of law student Alex Romero: a table with Immigration and Customs Enforcement representatives advertising their own program. Given that ICE is currently under fire for its treatment of undocumented immigrants, Romero believed that this externship ran contrary to Seattle U's mission. He brought these concerns to the externship program office's attention in hopes to end this partnership, and after pressure from students and community members, law school Dean Annette Clark announced in an email on Oct. 31 that the school would suspend this partnership.

**[OR] Oregon 'Sanctuary State' Policy Survives As Voters Reject Fearmongering**

[Huffington Post](#) [11/7/2018 8:37 AM, Elise Foley, 9094K] reports that even after years of fearmongering about so-called sanctuary jurisdictions for undocumented immigrants, Oregon voters on Tuesday rejected a measure that would have removed the state's decades-old policies restricting local law enforcement cooperation with federal deportation



efforts. About 63 percent of voters counted as of early Wednesday opposed an anti-"sanctuary state" measure, with more than 1.6 million votes tallied.

## Legal News

### **[PA] Federal appeals judges hear arguments in Philly 'sanctuary city' case**

[WHYY](#) [11/7/2018 8:28 PM, Bobby Allyn, 37K, PA] reports before a panel of U.S. appeals judges, lawyers for the Trump administration Wednesday tried again to legally justify its attempt to punish "sanctuary cities" that limit cooperation with federal immigration authorities working to deport people in the country illegally. As the panel considers how to rule, the U.S. Justice Department has been on a losing streak in this fight. Last year, a U.S. District Court in Philadelphia found that new conditions the Justice Department tried to attach to grant funding were unconstitutional. And federal judges in Chicago and California also rejected the Justice Department's new grant requirements. Former Attorney General Jeff Sessions — whose resignation was announced as the federal judges listened to arguments — sought to make about \$1.7 million in annual grant funding to Philadelphia contingent on three things: that the city give immigration authorities more access to prisons; that Immigration and Customs Enforcement receive a two-day notice before a migrant is released from city custody; and that federal authorities be told the immigration status of everyone sitting in local jails and prisons. Last November, U.S. District Judge Michael Baylson said city officials are not required to do any of that. If federal immigration authorities want more information than that already shared about someone held in the city, Baylson said, they must obtain a warrant signed by a judge. But on Wednesday, Justice Department lawyer Katherine Allen told the three-judge panel of the 3rd U.S. Circuit Court of Appeals that federal law does allow attaching special conditions to funds such as the Edward Byrne Memorial Justice Assistance Grant, also known as the JAG program. Allen also said immigration removal proceedings are a civil process, not a criminal matter, so the Justice Department has historically used administrative warrants — not those signed by a judge — to question and detain those suspected of being in the country illegally. A Justice Department spokesman declined to comment on whether the agency's position would change with Sessions no longer in charge. Instead, an official referred to Trump's 2017 executive order declaring that anyone in the country illegally — including those seeking green cards and people who are in the U.S. after overstaying their visas — is now a deportation priority.

### **[AZ] Motel 6: \$7.6 million for guests reported to immigration**

[Washington Post](#) [11/7/2018 6:45 PM, Anita Snow] reports the national budget chain Motel 6 has agreed to pay up to \$7.6 million to Latino guests who say the company's employees shared their private information with immigration officials, according to a proposed settlement filed in federal court. A federal judge must still approve the proposal filed last week in U.S. District Court in Arizona. The agreement between Motel 6, which is owned by G6 Hospitality in Carrollton, Texas, and guests represented by the Los Angeles-based Mexican American Legal Defense and Education Fund, springs from a class-action lawsuit filed in January. The Phoenix lawsuit was filed on behalf of eight unnamed Latinos who stayed at two Motel 6 locations in the city in June and July 2017. All but one was arrested. ICE agents visited some guests at their rooms after they showed Motel 6 employees their passports, driver's licenses or identification cards issued by the Mexican government, according to the lawsuit. It said one woman was deported from the United States and a man spent 30 days in a detention center until he could raise a \$7,500 bond. Immigration and

Customs Enforcement wasn't targeted in the lawsuit, and the agency in the past has declined to comment on the legal action.

[FOX News](#) [11/7/2018 1:19 PM, Kathleen Joyce] reports that the lawsuit came after a report by the Phoenix News Times stating at least 20 arrests were made by ICE agents at two Phoenix Motel 6's between February and August. As part of the agreement, the motel has agreed to pay up to \$5.6 million to patrons who "were placed in immigration-removal proceedings" while paying up to \$1 million to guests who were interrogated and up to an additional \$1 million to patrons whose information was shared with authorities, court documents stated.

Reported similarly:

[CBS News](#) [11/7/2018 11:15 AM, Staff]

[New York Daily News](#) [11/7/2018 1:00 PM, Megan Cerullo, 1197K, NY]

[Dallas Morning News](#) [11/7/2018 2:31 PM, Karen Robinson-Jacobs, 661K, TX]

### **[WA] 700 people have been helped by immigrant legal-defense network funded by Seattle and King County**

[Seattle Times](#) [11/7/2018 10:50 AM, Daniel Beekman, WA] reports that after President Donald Trump won election and said he would crack down on undocumented immigrants, Seattle and King County leaders vowed to resist by paying lawyers to protect local immigrants from deportation and loss of status. Since then, a network launched by the city and county has served hundreds of adults and children, providing people hailing from dozens of countries with legal advice, case analysis and representation in immigration court. By allocating \$1.55 million to nonprofits since October 2017, the Seattle-King County Immigration Legal Defense Network has pushed back against ramped-up enforcement by the Trump administration, say local leaders now considering how much to budget for the network next year.

### **[CA] Church Volunteers Denied Access To Immigrant Detainees In Fight Over Right To Speak Out**

[KPBS](#) [11/7/2018 8:27 PM, Jean Guerrero, 26K, CA] reports Immigration and Customs Enforcement and the private prison company Corecivic are asking church volunteers at an Otay Mesa detention center to sign a form that forbids them from talking to the press about conditions inside. The group is refusing to sign, and the American Civil Liberties Union is threatening a lawsuit. The church volunteers visit detained immigrants and listen to their stories every month. The 20 or so monthly volunteers hear stories from the detainees about medical neglect, insufficient hygiene products and other problems in the facility – and share them with the public. The volunteers have been denied access to the immigrant detainees for refusing to sign a new Corecivic form that states: "I will have no media contact related to the services I provide or any information I gain as a result of having access to the facility, the inmate population, or facility staff." Corecivic spokeswoman Amanda Gilchrist said the guidelines "are for the personal safety and protection of the detainees." ICE says that due to 2016 revisions to the agency's detention standards, "All volunteers, including religious leaders/clergy/laypeople must be approved prior to conducting services at the facility." The ACLU sent ICE and Corecivic a letter on Nov. 1, addressed to ICE assistant officer in charge Mark Paramo and Corecivic warden Fred Figueroa, threatening a lawsuit if the policy is not revoked by Nov. 15. Weekly stakeholder tours of the facility were also limited this summer, according to several community members who contacted KPBS. ICE said this

was "due to a significant number of requests and limited staffing resources." The agency said it was reviewing the letter from the ACLU.

## **Enforcement News**

### **[MA] Honduran murder suspect enters U.S. illegally, moves to Mass.**

[Boston 25 News](#) [11/7/2018 10:25 PM, Eric Rasmussen, 3K, MA] reports a man wanted for murder in Honduras crossed the border illegally, moved to Massachusetts, and ended up living near the victim's daughter. 25 Investigates has learned U.S. immigration authorities let the suspect out of custody twice before finally detaining him again last month. The series of events that allowed Jose Manuel Cruz Rivera, 38, to flee Central America to Boston's North Shore has prompted law enforcement experts and the victim's family to call out the United States' immigration system for failing to keep Cruz-Rivera out of the country. According to a statement e-mailed to 25 Investigates, Immigration and Customs Enforcement confirms Cruz-Rivera entered the United States illegally in May 2018, but it wasn't until a month later that ICE agents learned he was wanted for murder in Honduras. Facing deportation in August, Cruz-Rivera presented documents to an immigration judge that stated he was no longer wanted for murder in Honduras and had no criminal record. As a result, the judge set Cruz-Rivera free again on bond, but almost two months later, ICE says it learned the documents presented in court were "false." In its statement to 25 Investigates, ICE wrote: "After confirming that Cruz-Rivera was still wanted in Honduras, ICE's Enforcement and Removal Operations Boston re-arrested Cruz-Rivera in Chelsea, Massachusetts."

### **[MD] Police: Maryland man accused of raping child in Clay Township**

[FOX 43](#) [11/7/2018 2:33 PM, Staff, 22K, PA] reports a Maryland man is accused of raping a child in Clay Township, according to Northern Lancaster County Regional Police. Jose Garcia-Pineda was arrested Friday on charges of rape of a child, sexual contact with a minor and corruption of a minor. The offenses were reported to police on September 29 and Garcia-Pineda was identified as the person responsible for the alleged acts. Garcia-Pineda was located by Immigration and Customs Enforcement (ICE) at the request of local authorities and placed into custody on immigration related violations at York County Prison, police say.

Reported similarly: [Lancaster Online](#) [11/7/2018 5:57 PM, Tom Knapp, 55K, PA]

### **[TN] Immigration board rejects Memphis reporter's appeal**

[WREG](#) [11/7/2018 5:46 AM, Staff, TN] reports an immigration board has rejected an appeal from a Spanish-language news outlet reporter who was arrested during a demonstration in Tennessee. The Commercial Appeal reports that while the Board of Immigration Appeal granted Manuel Duran a stay of deportation in May, it rejected his appeal in mid-October. Latino Memphis attorney Christina Swatzell says Duran could be deported to El Salvador by mid-November, but he's fighting his case at the U.S. Court of Appeals for the Eleventh Circuit. The 42-year-old reporter was arrested for disorderly conduct and obstruction of a highway in April. A lawsuit asserting his detention was retaliation for news coverage was dismissed in September. Duran's lawyers have said he came to the U.S. after receiving death threats related to reporting on corruption in El Salvador.

### **[GA] Mexican nationals wanted since 2004 captured in Franklin County**

[WDUN](#) [11/7/2018 10:26 AM, Rob Moore, 7K, GA] reports that it took more than 14 years from the time the arrest warrants were issued, but two Mexican nationals living near Lavonia were arrested Tuesday. Jose Mendez-Paniagua, 41, faces charges of kidnapping and attempted murder, while Arminda Espinoza-Albarran, 43, faces a kidnapping charge, according to Franklin County Sheriff Steve Thomas. Thomas said on Oct. 27, 2004, a judge in Michoacan, Mexico signed the warrants charging the pair. Then, on April 30, 2014, Interpol issued an international Red Notice warrant charging Espinoza with kidnapping. The U.S. Immigration and Customs Enforcement Atlanta Field Office, with assistance, from the Franklin County Sheriff's Office, arrested the pair Tuesday morning, Thomas said. "Interpol has been notified," Thomas said. "Pending extradition, Espinoza and Mendez will remain in ICE custody awaiting a hearing before an immigration judge. We firmly believe that this mission could not have been possible without the good working relationship between federal and local law enforcement professionals."

#### **[MI] Illegal immigrant in Royal Oak sentenced for drug crimes**

[Daily Tribune](#) [11/7/2018 11:40 AM, Aileen Wingblad, 3K, MI] reports an illegal immigrant has been sentenced on federal drug charges involving a cross-country narcotics distribution conspiracy leading to his arrest in Royal Oak. Jesus Guerrero-Macias, 21, was sentenced Nov. 6 to 10 years in prison by U.S. District Judge Marianne O. Battani, of the Eastern District of Michigan for conspiracy to distribute heroin and cocaine. Guerrero-Macias pleaded guilty to the charges last July. According to prosecutors, the illegal drugs were shipped in February by FedEx from California, where Guerrero-Macias lived previously, to an Airbnb in Royal Oak where he was staying with Javier Avila-Monge, a co-defendant in the case. In total, DEA agents confiscated from the house a wholesale value of \$225,000 in drugs which reportedly was intended for further distribution in the Detroit area. The case involved undercover work by DEA officers, with support from the Royal Oak Police Department and the Southeast Michigan Regional Organized Crime Drug Enforcement Task Force Strike Force.

#### **[WI] The ICE effect**

[Capital Times](#) [11/7/2018 11:00 AM, Lisa Speckhard Pasque, 139K, WI] reports that from Friday, Sept. 21, to Monday, Sept. 24, ICE detained 20 people in Dane County and a total of 83 in Wisconsin. City officials said it was the biggest roundup the county has seen in years. Some of those detained were not targeted, but rather picked up for being in the wrong place at the wrong time. Unlike previous ICE operations, the Madison Police Department said ICE didn't give them a heads up. ICE maintains it contacted local law enforcement. The scale, surprise and swirling rumors on social media fed fear and panic in the city's immigrant and Latino communities. At least a few businesses closed their doors and a significant number of Latino children stayed home from school, the Madison School District said. The community jumped into action to provide legal defense, mental health support, accurate information to the media and answers for families of detainees. The work didn't end there. More than a month later, community organizations, city officials, legal representatives and advocates are dealing with the lingering effects, and preparing for ICE officers to return. Counselors worry about traumatized kids, businesses are learning how to protect their employees and immigration attorneys are hoping to raise money to fund more deportation defense.

A big question remains: Did ICE tell the Madison Police Department they were coming? According to ICE spokesman Shawn Neudauer, yes. He said any "rumors or suggestion" to

the contrary are inaccurate. Assistant Chief Gaber disagrees. In the past, ICE officers called him on his cell phone to notify him of their operations, specifying the individual, location and reasons for the arrest. Such clear communication is crucial for public safety, Sheriff Mahoney said, "so we don't have cops running after cops." But during the September arrests, a new ICE supervisor called Gaber's desk phone and left a message simply asking Gaber to call him back. Gaber didn't get the message right away — he was at the Middleton workplace shooting on Sept. 19, and participated in training all day on Sept. 20. By the time he heard the message on Sept. 21, ICE was already in town. According to ICE spokesperson Nicole Alberico, one of those arrested has six criminal convictions, including a felony for causing bodily harm while driving under the influence. A search of his online records show the 2007 felony, six misdemeanor convictions for battery, and misdemeanors for driving under the influence and for driving with a revoked license. In 2002, he was subject to a temporary restraining order for domestic abuse.

#### **[TX] Peruvian War Crimes Suspect Removed From US By Dallas ICE**

[CBS DFW](#) [11/7/2018 2:18 PM, Staff, TX] reports that U.S. Immigration and Customs Enforcement officers out of Dallas on Tuesday removed a Peruvian citizen wanted in Peru in connection with the 1991 "Santa Barbara Massacre." Dennis Wilfredo Pacheco-Zambrano, 48, a former Peruvian army second sergeant, has been charged in Peru for his alleged role in the July 4, 1991, torture, rape and extrajudicial killing of 15 Peruvian civilians in the rural village of Santa Barbara, Peru. The killings were part of a larger campaign of military violence against the civilian population in the region that took place between 1980 and 2000.

"This case demonstrates that decades-old alleged murders of innocent civilians will not be forgotten," said Robert Guadian, acting field office director of Enforcement and Removal Operations in Dallas. "The United States will not tolerate anyone who tries to use this country as a safe haven for their crimes." Special agents with ICE Homeland Security Investigations arrested Pacheco-Zambrano on Sept. 17, 2018, at his home in San Angelo, Texas. On Oct. 3, an immigration judge ordered that Pacheco-Zambrano be removed from the United States.

Reported similarly: [Dallas Morning News](#) [11/7/2018 11:42 AM, LaVendrick Smith, TX]

#### **[CA] Anti-ICE Activist Facing Deportation Alleges Political Retaliation From U.S. Government**

[Daily Wire](#) [11/7/2018 11:42 AM, Staff, CA] reports a Mexican national who has spent several years organizing Californians against federal immigration policy filed a lawsuit last week against the Department of Homeland Security, Immigration and Customs Enforcement, U.S. Border Patrol, and other federal agencies. Claudia Rueda, a 23-year-old student at California State University-Los Angeles, claims that her application for the Deferred Action for Childhood Arrivals program was unfairly rejected by immigration officials as a reprisal for her "constitutionally protected political speech" and "activism," according to the court filing. Rueda, who was brought into the United States as a six-year-old, said she faces deportation proceedings at the end of this month. Despite spending more than six years as a pro-migrant organizer, Rueda did not apply for DACA protection until after immigration officers detained her in 2017. Rueda's lawsuit contends that her outspoken actions "against the Defendants' immigration practices" are "the only discernible difference"



between her and the nearly 800,000 others who have already been approved for DACA status.

**[CA] Feds Apprehend 3 Sex Offenders near Southwestern Border in One Day**

[Breitbart](#) [11/7/2018 11:48 AM, Bob Price, 2405K] reports Border Patrol agents and U.S. Customs and Border Protection officers teamed up to stop three sex offenders from making their way into the U.S. from Mexico. Yuma Sector Border Patrol agents assigned to the Highway 95 immigration checkpoint interviewed the driver of a vehicle who was attempting to pass through the inspection station on the morning of November 3. The driver, a 34-year-old U.S. citizen from Long Beach, California, claimed to be a ride-share driver. The agents interviewed the four passengers in the vehicle and determined they were all Mexican nationals who were illegally present in the U.S., according to Yuma Sector officials. The agents arrested the driver and all four of the Mexican nationals. During a biometric background investigation, the agents learned that a California court convicted one of the men in 2005 for having sex with a minor who was under the age of 16. That migrant will likely be prosecuted for aggravated illegal re-entry after removal as a sex offender.

Later that evening, agents assigned to the El Centro Sector observed a man running north from the international border fence near the Calexico Port of Entry. The agents made contact with the man and learned that he had just illegally crossed the border from Mexico. The agents took the man into custody and transported him to the station for processing and a background check. Criminal database records checked by the agents revealed that the man, 30-year-old Mexican national Gildardo Gonzalez-Santiago, received a misdemeanor rape conviction in 2008 from a court in Orange County, New York, El Centro Sector officials reported. The court sentenced the Mexican man to time served and required that he register as a sex offender until 2028. Following his conviction, U.S. Immigration and Customs Enforcement Enforcement and Removal Operations officers deported the man to his home country in October 2008. Gonzalez-Santiago is also expected to face new federal felony charges for illegal re-entry after removal as a sex offender, officials stated.

**[CA] Honduran Man Details Being Dropped Off in San Diego in Unmarked ICE Bus**

[NBC San Diego](#) [11/8/2018 11:35 PM, Gaby Rodriguez, 138K, CA] reports exclusive video obtained by NBC 7 shows families detained by Immigration and Customs Enforcement being dropped off in parts of Central San Diego with no apparent sense of direction. A Honduran man among a drop-off group, usually several family units totaling 20 to 40 people, says now that he's in the U.S. he's one step closer to getting his 5-year-old son the help he needs. "He has bronchial fistula and an umbilical hernia. And from what they told me the fistula is leaking and they don't know if the leak is coming from his heart or his brain," the man, who wished to remain anonymous, said of his son's condition. A witness to the drop-offs told NBC 7 he's seen daily drop-offs for at least a week. A video shared with NBC 7 by another witness shows the unmarked charter bus making a drop off on Monday. The family groups that got off didn't seem to know where to go next. The man said he was detained at the Otay Mesa Detention Center for six days in a room with his son and 14 others. Many of the families being dropped off are asylum seekers. ICE spokesperson Lauren Mack said that as of Oct. 23, the agency is unable to help detainees line up their accommodations prior to their release. Mack said there's not enough space in the family-friendly facilities and families can't be housed in regular detention centers. The only other option, according to Mack, is to release them. [Editorial note: consult source link for video]

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Friday, Nov. 9, 2018**

## **Executive Office for Immigration Review**

Trump administration tightens immigration asylum rules as caravans continue to push for U.S. border ..... 2

Matthew Whitaker's First Act as Acting Attorney General Is to Argue Trump Has Right to Limit Asylum ..... 4

Immigrant advocates slam video hearings for detained kids ..... 4

[NY] EOIR launches video conferencing pilot program for teens..... 4

[NJ] 448 Days, 12 Hearings and \$58,000: One Dreamer's Journey Through the Immigration System ..... 5

## **Policy and Legislative News**

Migrant caravan gets within reach of border: What happens now? ..... 5

Marines arrive at border in San Diego well ahead of potential migrant caravan ..... 6

Caravan Walks Quietly On, U.S. Opposition a Distant Rumble..... 6

Central American Migrants In Mexico Want Buses To U.S. Border ..... 7

'Criminals?' Hardly. That's Who the Caravan Flees. ....7

Less than 10% of Central American Migrants Arriving at Border Have Legitimate Asylum Claims.....7

American lawyers rush to Mexico to help caravan.....7

What happened to the caravan after the midterm elections? .....8

'An Asylum to the persecuted': Would George Washington embrace the migrant caravan? .....8

3 million Venezuelans have fled their country, according to new U.N. estimate .....8

Most countries agree with Trump about birthright citizenship .....9

171 kids from separated families are still in custody. Most won't be reunited with their parents. ....9

Jeff Sessions' 'unprecedented' legacy in immigration court .....9

[AZ] Feds say CBP officer took \$6K bribe to let in undocumented immigrant ..... 10

[TX] Border Officials Preparing to Evict  
Immigrant Encampments Near Texas  
Ports of Entry ..... 10

[CA] Man accused in L.A., Santa  
Monica homeless slayings charged with  
additional attacks ..... 11

## Legal News

Appeals court rules against Trump on  
DACA immigrant policy ..... 11

19 Cities, Counties Say Detained-Minor  
Rules Flout Flores ..... 12

L.A. Joins Other Cities in Court Filing  
Opposing Trump Immigration Policy ... 12

Married Immigrants Can't Seek Class  
Status, Gov't Says ..... 13

[NH] Judge Rules Man Detained by ICE  
in Dover for More Than Eight Months  
Will Get Hearing ..... 13

[NY] DOJ Settles Immigration Bias  
Claim Against NY Hotel..... 13

[PA] Federal appeals judges hear  
arguments in Philly 'sanctuary city' case  
..... 14

[CA] UC urges students to file DACA  
renewals as appeals court rules against  
Trump..... 14

[CA] Lawsuit targets Greyhound over  
warrantless immigration stops aboard  
buses..... 14

## Enforcement News

Immigrant deportation filings hit record  
high in 2018, new report shows ..... 15

[CT] A Family Separated But Still  
Together ..... 15

[NY] Bay Shore man whose conviction  
had been overturned pleads guilty to  
manslaughter ..... 15

[NJ] A month after DWI bust at Rutgers,  
ICE still holding NJ man in jail ..... 15

[NJ] Attorney Charged with Killing  
Montclair Mother is Captured in Cuba. 16

[FL] Why was accused police shooter  
still on the streets? ..... 16

[MO] Man Charged in 3 Killings Wanted  
by Immigration Authorities ..... 17

[IL] Springfield family's future uncertain  
as parents face deportation, prison time  
..... 17

[TX] Peruvian Soldier Arrested in San  
Angelo Deported ..... 17

[TX] Raided: The Truth About  
Deportation ..... 17

[NE] Homeland Security agents detain  
22 for immigration violations in raids of  
Lincoln restaurants ..... 18

## Executive Office for Immigration Review

### Trump administration tightens immigration asylum rules as caravans continue to push for U.S. border

[Washington Post](#) [11/8/2018 6:12 PM, Nick Miroff, 11653K] reports the Trump administration announced new measures Thursday that would deny asylum to migrants who enter the country illegally, invoking emergency national security powers to curb long-standing humanitarian protections for foreigners who arrive on American soil. The restrictions rely on authorities invoked by the president to implement his "travel ban" in early 2017, according to senior administration officials who briefed reporters on the measures. "Those who enter the country between ports are knowingly and voluntarily breaking the law," said one official. "So while immigration laws afford people various forms of protection, there's a violation of federal law in the manner these illegal aliens are entering the country." President Trump is preparing to issue a proclamation to assert the emergency powers, and

the rule changes will be published Friday in the Federal Register, the officials said. Legal challenges are expected to follow soon after.

[Politico](#) [11/8/2018 5:47 PM, Ted Hesson and Gabby Orr, 2709K] reports A senior administration official on Thursday said asylum seekers who cross between ports of entry are "choosing to break our laws as their first act upon entering the country" and "depriving legitimate asylum seekers of a chance to have their cases heard." The official called the current influx of asylum seekers a "massive ... almost historically unparalleled abuse of our immigration system." The fast-track regulation issued Thursday hinges on the same federal statute as Trump's travel ban policy, the third version of which the Supreme Court upheld in June. The statute, section 212(f) of the Immigration and Nationality Act, states that the president can suspend entry of foreigners deemed "detrimental to the interests of the United States." The scope of the asylum restrictions will depend on which migrants are judged "detrimental" in the forthcoming presidential proclamation. The regulation will be applied prospectively, officials said Thursday. Migrants intercepted between ports of entry will still be able to petition for other forms of relief, according to the regulation text. The migrants could apply for "withholding of removal," which offers refuge to people who face a threat to their life or freedom. In addition, they could apply for protection under the Convention Against Torture, which is available to people with a removal order who are deemed more likely than not to be tortured in their home country.

[NPR](#) [11/8/2018 5:41 PM, Scott Horsley] reports that advocates say federal law allows anyone on U.S. soil to petition for asylum, even if that person crossed the border illegally. The administration wants to get around that provision by using the president's broad authority to exclude any immigrant — or class of immigrants — deemed "detrimental to the interests of the United States." That's the same authority the president used when he issued his travel ban on a variety of mostly Muslim countries. That ban was initially blocked by the courts but after several revisions was ultimately upheld by the U.S. Supreme Court. The new measure is designed to funnel asylum-seekers to official ports of entry, where the administration says their claims could be processed more efficiently. The move could also dramatically limit the number of people admitted to the U.S.

[NBC News](#) [11/8/2018 2:47 PM, Julia Ainsley, 3539K] reports the Trump administration expects to be sued over its draconian new immigration plan, say two senior administration officials with knowledge of the discussions – but with Justice Brett Kavanaugh now on the Supreme Court, it expects to win. President Donald Trump teased the plan in vague terms in a speech from the White House last week, vowing to block any immigrants caught crossing the border between designated ports of entry, even if they made a claim for asylum. The plan is expected to place all future illegal border crossers – those arrested between ports of entry – into detention with expedited deportation, regardless of whether they make an asylum claim.

Reported similarly:

[Reuters](#) [11/8/2018 11:45 AM, Yeganeh Torbati and Kristina Cooke, 4724K]

[New York Times](#) [11/8/2018 10:17 PM, Michael D. Shear, 22322K]

[Washington Post](#) [11/8/2018 5:27 PM, Colleen Long]

[Wall Street Journal](#) [11/8/2018 5:57 PM, Alicia A. Caldwell]

[FOX News](#) [11/8/2018 8:37 PM, Samuel Chamberlain]

[CNN](#) [11/8/2018 5:46 PM, Maegan Vazquez, Geneva Sands, Kevin Liptak, et al.]

[Huffington Post](#) [11/8/2018 4:44 PM, Elise Foley]



[The Hill](#) [11/8/2018 4:37 PM, Jordan Fabian, 2630K]  
[Breitbart](#) [11/8/2018 5:03 PM, Neil Munro]  
[CBS News](#) [11/8/2018 6:00 PM, Kathryn Watson]  
[NBC News](#) [11/8/2018 5:08 PM, Julia Ainsley]  
[USA Today](#) [11/8/2018 6:07 PM, Alan Gomez, 7165K]  
[Mother Jones](#) [11/8/2018 5:37 PM, Noah Lanard]  
[The Daily Caller](#) [11/8/2018 10:22 AM, Will Racke, 909K, DC]  
[The Daily Caller](#) [11/8/2018 4:47 PM, Saagar Enjeti, 909K, DC]  
[Washington Examiner](#) [11/8/2018 6:02 PM, Kelly Cohen, 567K, DC]

### **Matthew Whitaker's First Act as Acting Attorney General Is to Argue Trump Has Right to Limit Asylum**

[Newsweek](#) [11/8/2018 5:43 PM, Jason Le Miere] reports that Matthew Whitaker's first publicized act as acting attorney general was to issue a new rule Thursday denying asylum to migrants who enter the country illegally through the southern United States-Mexico border. Whitaker was appointed to the role on Wednesday by President Donald Trump after the president asked then-Attorney General Jeff Sessions for his resignation.

Session's replacement and Department of Homeland Security Secretary Kirstjen Nielsen issued a statement about the ruling. According to the rule, the restrictions will not go into effect until Trump issues an official proclamation. "Consistent with our immigration laws, the President has the broad authority to suspend or restrict the entry of aliens into the United States if he determines it to be in the national interest to do so," it read. "Today's rule applies this important principle to aliens who violate such a suspension or restriction regarding the southern border imposed by the President by invoking an express authority provided by Congress to restrict eligibility for asylum."

### **Immigrant advocates slam video hearings for detained kids**

[Associated Press](#) [11/8/2018 2:08 PM, Martha Mendoza and Garance Burke] reports the Trump administration says it is trying to speed up legal proceedings for some of the record 13,000 migrant children in federal custody by using video hearings to stream testimony from detained youths into courtrooms, The Associated Press has learned. The problem, some attorneys and judges say, is that technical glitches – including bad audio, weak connections and pixelated screens – are actually making it much harder for the teens in shelters to have a fair hearing. It can be challenging for judges to assess children's credibility without eye-to-eye contact, they say. It further obscures the cases, which legally are supposed to be public. The program for teens, piloted in conjunction with the Justice Department's Executive Office for Immigration Review, launched several weeks ago. About 30 youths have appeared via videoconferencing before immigration judges in Phoenix and Harlingen, Texas, said Lydia Holt, an ORR spokeswoman. Similar hearings have been conducted in immigration courts in Miami and New York City, said Kathryn Mattingly, an EOIR spokeswoman. The AP learned they also have been scheduled in Los Angeles, Philadelphia, El Paso, Seattle, Tucson and San Francisco. Judge Ashley Tabaddor, president of the National Association of Immigration Judges, called the video teleconference equipment "very, very difficult to work with."

### **[NY] EOIR launches video conferencing pilot program for teens**

[WNYM](#) [11/9/2018 1:04 AM, Staff, NY] reports several weeks ago the Department of Justice's Executive Office for Immigration Review launched a pilot program based upon the

use of video conferencing in adult legal proceedings. An estimated 13,000 migrant teens are now in federal custody. Many arrived unaccompanied. They could be aided by the use of video hearings that would stream their testimony into the courtrooms in order to process cases more efficiently. So far about 30 youths in two cities have gone through the process. The plans are to expand to eight more major cities nationwide. [Editorial note: consult source link for audio]

### **[NJ] 448 Days, 12 Hearings and \$58,000: One Dreamer's Journey Through the Immigration System**

[WNYC](#) [11/9/2018 4:00 AM, Matt Katz, 150K, NY] reports Jorge Chajon was 13 years old when gangs infiltrated his neighborhood in Guatemala and his family told him that it was time to go north, alone, to join his parents in New Jersey, where they had settled years earlier. He made the journey with a caravan of 75 people, ultimately reconnecting with his parents and enrolling at Plainfield High School, where he was a kicker on the football team and could have earned a scholarship to Rutgers University — if only he had a Social Security number. Chajon, now 29, later sorted out his immigration status, qualifying for the Deferred Action for Child Arrivals program under President Barack Obama. He met his future wife, Sharon, at Bible study at church, and he settled into life as a house painter. Two years ago Chajon tried to get a Green Card and become a permanent citizen through his wife, who is a U.S. citizen originally from Colombia. That's when problems arose that led to his arrest by Immigration and Customs Enforcement in August 2017 and an extraordinary journey through the detention system that included 12 scheduled court hearings and 448 days locked up at two detention centers. Based on the amount ICE pays to the detention centers, his imprisonment has so far cost taxpayers more than \$58,000. Chajon's case is just one in an increasingly clogged immigration court system. The number of pending cases in New Jersey immigration courts skyrocketed 26 percent from the 2017 fiscal year to last year, according to the Transactional Records Access Clearinghouse. There are more than 40,000 open cases in the state, and 1 million nationwide. A shortage of immigration judges and changes in policies under the Trump Administration means more detained immigrants and prolonged jail time for immigrants like Chajon. ICE officials said only that Chajon was arrested for unspecified immigration violations.

Meanwhile, Chajon's case was winding its way through the system. Twelve hearings were scheduled. At least two were canceled at the request of Chajon's attorney, but the most recent ones, in June and August, were postponed simply because Chajon wasn't brought from the jail to court. With so many law enforcement agencies involved, it is difficult to determine why Chajon wasn't brought to court on two different occasions. According to a spokesman at the Department of Justice's Executive Office for Immigration Review, which adjudicates immigration cases, "The respondent did not appear in court due to logistical issues related to [Chajon's] transfer between different ICE detention facilities." The spokesman did not clarify what those issues were, or who was responsible. An ICE spokesman said it is "ICE's responsibility to present the individual for his or her hearing." But in some cases, the spokesman said, ICE will utilize jail personnel to provide transportation. It is unclear who was supposed to provide transportation in both of these instances.

## **Policy and Legislative News**

### **Migrant caravan gets within reach of border: What happens now?**

[FOX News](#) [11/8/2018 10:54 AM, William La Jeunesse] reports that with the number of migrants in Mexico increasing, their timetable to the U.S. accelerating, and the certainty of their arrival less in doubt, the question becomes: What does the endgame look like? Based on recent history, President Trump's pledge to stop them and the capacity of shelters in Tijuana, the caravan's future is daunting, if not bleak, and likely disappointing. "When I get to the border, I'm gonna ask them for asylum," said Elvis Romero, a Guatemalan immigrant, his swollen feet wrapped in medical tape under a baking sun in Juchitan, Mexico. "I will ask President Trump to give me an opportunity to stay there because I want a better life for me." While sources say the U.S. is working behind the scenes with the government of Mexico to reduce the caravan's size, thousands are still likely to arrive at the U.S. border in a matter of weeks. There are about 7,000 people who are now part of the caravan, though the numbers keep fluctuating.

What happens then – when several thousand migrants arrive in Tijuana, a city with shelters already overcrowded with women and children? Do they live on the street, or does the city or state provide them shelter? For how long? Given President Trump's threat to slow walk or "meter" the number of asylum claims processed per day, where will asylum seekers congregate? Experts say it is unclear what will happen and how the showdown will end.

### **Marines arrive at border in San Diego well ahead of potential migrant caravan**

[San Diego Union-Tribune](#) [11/8/2018 4:20 PM, Kristina Davis, 291K, CA] reports that troops from Camp Pendleton and Texas reported for their first day of work Thursday along the U.S.-Mexico border, part of President Donald Trump's show-of-force response to thousands of Central American migrants traveling in caravans toward the southwestern border. "We are out here to support Customs and Border Protection to enable them to defend the southern border," said 2nd Lt. Frederick D. Walker, a Marine spokesman for the military task force assigned to San Diego. Much of the focus, at least initially, will be on strengthening the border barrier. "We are hardening, if you will, the fence here, putting up concertina wire to make that wall less scalable," Walker said. So far, some 1,300 troops have been assigned to support operations along the California-Mexico border. About 1,100 are already serving at Camp Pendleton with the 1st Marine Expeditionary Force as part of a special purpose marine-air-ground task force, officials said Thursday. They will be deployed in waves as needed, said Michael Kucharek, a spokesman at U.S. Northern Command. Officials with U.S. Customs and Border Protection and the U.S. Department of Defense plan to hold a joint news conference on "Operation Secure Line" on Friday to provide more information about the San Diego mission.

Additional reporting: [Washington Examiner](#) [11/8/2018 10:54 AM, Travis J. Tritten, DC]

### **Caravan Walks Quietly On, U.S. Opposition a Distant Rumble**

[New York Times](#) [11/9/2018 4:00 AM, Kirk Semple] reports that the migrant caravan began on Oct. 12 in San Pedro Sula, Honduras, with several hundred participants and quickly grew by several thousand as it crossed the border into Guatemala and wound north into Mexico. It became the largest and most dramatic iteration of a yearslong tradition that had largely passed unnoticed: Central Americans fleeing poverty and violence in their homelands, traveling en masse toward the United States, the size of their groups providing security from the criminals who prey on migrants during the journey. The caravan, which arrived in Mexico City this week, captured the attention of President Trump soon after it began. During the run-up to the midterm elections, Mr. Trump used the caravan to fire up

anti-immigrant sentiments and rally his base. He also used it to justify the deployment of thousands of troops at the southwest border. And on Thursday, the Trump administration enacted new rules giving the president authority to deny asylum to almost any migrant who crosses the border illegally — a significant overhaul of longstanding laws that have allowed people fleeing persecution to ask for sanctuary.

### **Central American Migrants In Mexico Want Buses To U.S. Border**

[KPBS](#) [11/8/2018 6:29 PM, Staff, 26K, CA] reports that Central American migrants in a caravan that has stopped in Mexico City demanded buses Thursday to take them to the U.S. border, saying it is too cold and dangerous to continue walking and hitchhiking. Mexico City authorities say that of the 4,841 registered migrants receiving shelter in a sports complex, 1,726 are under the age of 18, including 310 children under five. "We need buses to continue travelling," said Milton Benitez, a caravan coordinator. Benitez noted that it would be colder in northern Mexico and it wasn't safe for the migrants to continue along highways, where drug cartels frequently operate.

The Mexican government has said most of the migrants have refused offers to stay in Mexico, and only a small number have agreed to return to their home countries. About 85 percent of the migrants are from Honduras, while others are from the Central American countries of Guatemala, El Salvador and Nicaragua. "California is the longest route but is the best border, while Texas is the closest but the worst" border, said Jose Luis Fuentes of the National Lawyers Guild to gathered migrants.

### **'Criminals?' Hardly. That's Who the Caravan Flees.**

[New York Times](#) [11/9/2018 4:00 AM, Victoria Sanford] reports that as thousands of Honduran migrants seeking asylum in the United States trek northward through Mexico, President Trump has pledged to stop them at the border by militarizing it with armed federal troops, under the guise of protecting Americans from "criminals" and an "invasion." What he fails to recognize is that cruelty won't solve the current refugee crisis. Neither will buddying up with authoritarian leaders in Central America. Instead, those two strategies only deepen the crisis, because criminality and misrule are exactly what the caravan is fleeing. What Mr. Trump calls an invasion is actually the visible face of a deadly crisis of governance and violence in almost all of Central America — a retreat from the rule of law in favor of rule by corruption and criminality abetted by officials with impunity.

### **Less than 10% of Central American Migrants Arriving at Border Have Legitimate Asylum Claims**

[Breitbart](#) [11/8/2018 6:21 PM, John Binder, 2405K] reports that less than 10 percent of the migrants arriving at the United States-Mexico border from Central America have legitimate asylum claims, new Department of Homeland Security data reveals. As President Trump's administration releases new asylum rules – blocking illegal border crossers from claiming asylum in the U.S. – DHS data notes that the overwhelming majority of Central American migrants who claim "credible fear" do not have legitimate asylum claims. Only nine percent of those migrants seeking asylum are ultimately granted asylum. In almost 50 percent of cases where Central American migrants passed their initial asylum-seeking screening, the migrant never appeared for their asylum hearing or did not even file an asylum application. These migrants likely find work in the U.S. and live as illegal aliens.

### **American lawyers rush to Mexico to help caravan**

[Washington Times](#) [11/8/2018 8:22 AM, Stephen Dinan, 547K, DC] reports a team of American lawyers is being deployed to Mexico to help advise members of the new migrant caravan on their options as they try to reach the U.S. and, in many cases, to demand asylum. The Coalition for Humane Immigrant Rights, a Los Angeles-based organization, said it wanted to be proactive in getting assistance to the caravan, which has reached Mexico City. "Our immigration attorneys are part of a humane, compassionate, and concrete response for migrants," said Luis Perez, legal services director for the group. While the elections have pushed the caravan from the front pages this week, thousands of Central Americans are still intent on reaching the U.S. They've camped in Mexico City where, according to local news reports, they are debating the route they'll take as they head north, trying to reach the U.S.-Mexico border.

### **What happened to the caravan after the midterm elections?**

[Washington Post](#) [11/8/2018 5:03 PM, Kevin Sieff and Maya Averbuch] reports that for most of the migrants here, the U.S. midterm elections were a vague rumor, a fragment of information that circulated without meaning. When the results came in on Tuesday, they were splayed out in white plastic tents in an aging Olympic stadium, after about a thousand miles on the road. They slept or watched cartoons on a giant inflated screen. If this week's vote was indeed the "election of the caravan," as President Trump said, no one had bothered to tell the caravan. Their journey never had anything to do with the U.S. elections, and the proof of that disconnect is apparent now, as the migrants continue north, as unaware of American politics as they were two weeks ago. What happened to the caravan in the wake of the midterm elections? The same thing that happened each day before. On Wednesday and Thursday mornings, thousands of migrants awoke here and planned the journey ahead. They fed their children. They smoked cigarettes. They prayed. Most of the migrants here were unaware of the rumors that the caravan's very existence – their own journey – was a political stunt. Those tweets and news stories were posted while they walked through northern Guatemala and southern Mexico, many without phones or Internet access. How the world will consider the caravan now, in the wake of the elections, is a different question.

Additional reporting:

[Washington Post](#) [11/8/2018 3:30 PM, Eugene Scott, 11653K, DC]

### **'An Asylum to the persecuted': Would George Washington embrace the migrant caravan?**

[Washington Post](#) [11/8/2018 7:00 PM, Gillian Brockell] reports that in a chapter of her new book, "These Truths: A History of the United States," historian Jill Lepore writes about the day in November 1783 when the last British ship left New York harbor, ending the Revolutionary War. Soon after, Gen. George Washington rode back into town, a victorious return to a city he'd hastily abandoned seven years earlier. He and his troops celebrated in Fraunces Tavern on Broadway, where, as the Independent New-York Gazette recounted, Washington made 13 toasts. One of them was: "May America be an Asylum to the persecuted of the earth!" Today, President Trump has ordered more than 5,000 U.S. troops to repel a "caravan" of asylum seekers from Central America, telling Fox News's Laura Ingraham "this is an invasion of our country." But our first president offered asylum as one of America's assets. Repeatedly.

### **3 million Venezuelans have fled their country, according to new U.N. estimate**



[Washington Post](#) [11/8/2018 11:28 AM, Adam Taylor, 11653K] reports that a new U.N. estimate has found that the number of people who have fled Venezuela in the country's economic collapse and political chaos since 2015 has reached 3 million – marking an exodus comparable to the ones seen in war-ravaged countries such as Syria and Afghanistan. The estimate was compiled by the U.N. High Commissioner for Refugees, the U.N. refugee agency, and the International Organization for Migration, the U.N. migration agency. The agencies say it includes both refugees and migrants and was estimated using data from national migration authorities in the region. The scale of the number of people leaving the country makes it comparable to some of the world's most severe refugee crises in recent years. The refugees and migrants from Venezuela have ended up spread unevenly throughout the region, according to the estimate. Venezuela's neighbor Colombia hosted more than 1 million. It was followed by Peru, which had more than half a million; Ecuador, with more than 220,000; Argentina, 130,000; Chile, more than 100,000; and Brazil, 85,000. Countries in Central America and the Caribbean are also hosting large numbers of Venezuelans, the report estimated. At least some have made their way to the United States. Data from the U.S. Citizenship and Immigration Services showed a surge of 88 percent in the number of Venezuelans applying for asylum in 2017, with the number totaling 27,629 by the end of the year.

### **Most countries agree with Trump about birthright citizenship**

[The Hill](#) [11/8/2018 9:30 AM, Nolan Rappaport, 2630K] reports that President Donald Trump said recently that, "We're the only country in the world where a person comes in and has a baby, and the baby is essentially a citizen of the United States for 85 years, with all of those benefits." He's wrong. According to the CIA World Factbook, 39 countries have birthright citizenship. But the rest of the 195 countries base citizenship at birth on the nationality or resident status of the child's parents. Perhaps Trump should have said instead that the United States and Canada are the only two developed countries that have it, and Canada is in the process of deciding whether to stop using it.

### **171 kids from separated families are still in custody. Most won't be reunited with their parents.**

[CNN](#) [11/8/2018 8:22 PM, Catherine E. Shoichet] reports there are still 171 children from separated families in U.S. custody more than four months after a judge ordered the U.S. government to reunite the undocumented immigrant families it had split up at the border, according to court documents filed Thursday. Of the children who remain in custody, there are seven who are in the pipeline to reunite with their parents in their countries of origin, according to the court documents, and six who the US government is working to discharge to parents in the U.S. But 146 of the kids from separated families who remain in custody – more than 85% – will not be reunified with their parents either because the parents have declined reunification or because officials have deemed it cannot occur because the parents are unfit or pose a danger, officials said. The new numbers appear in the latest federal court filing in the American Civil Liberties Union class action case over family separations.

### **Jeff Sessions' 'unprecedented' legacy in immigration court**

[Reuters](#) [11/8/2018 4:43 PM, Alison Frankel, 268K] reports the the former AG used DOJ's control over immigration judges overseeing asylum and deportation proceedings to advance policy goals. Jeff Sessions and his DOJ colleagues didn't just change the way immigration judges are supposed to do their jobs. The former AG overrode precedent in ways that will make it harder for migrants to win legal residency in this country.

[VOX](#) [11/8/2018 11:50 AM, Dara Lind, 3169K, DC] reports that Sessions managed to totally overhaul much of the Justice Department's work on immigration and criminal prosecutions: turning even minor immigration offenses into a high priority for federal criminal prosecution while revamping the DOJ-run immigration court system.

[The Nation](#) [11/8/2018 11:12 AM, Chris Gelardi, 217K] reports that it has long been the case that the attorney general has overwhelming authority over the interpretation and enforcement of immigration law in the United States. Jeff Sessions had final say over who was targeted for immigration-related criminal proceedings—hence his "zero tolerance" policy mandating the prosecution of all unauthorized migrants caught crossing the border, the cornerstone of family separation. His successor will be equally empowered. As head of the Justice Department, which houses the country's immigration court system, Sessions also had the power to, at will, snatch cases from the immigration appeals courts and unilaterally impose his own rulings on them, setting crucial precedents for other cases.

Additional reporting:

[New Yorker](#) [11/8/2018 6:02 PM, Jonathan Blitzer, 2055K]

**[AZ] Feds say CBP officer took \$6K bribe to let in undocumented immigrant**

[Nogales International](#) [11/8/2018 7:11 PM, Staff, 1K, AZ] reports a longtime U.S. Customs and Border Protection officer from Nogales has been indicted on human smuggling and bribery charges. Jose Rosalio Fuentes, aka "Pollito," was indicted by a federal grand jury on Oct. 10 and arrested Oct. 24 in Nogales by the FBI, court records show. He was subsequently released on his own recognizance as his case moves forward at U.S. District Court in Tucson. According to the indictment, Fuentes, 56, used his position at CBP to allow an undocumented immigrant into the United States on Feb. 10. Two days later, he allegedly accepted a \$6,000 cash bribe for the crime. Fuentes' trial is tentatively set to begin Dec. 4.

**[TX] Border Officials Preparing to Evict Immigrant Encampments Near Texas Ports of Entry**

[Texas Monthly](#) [11/8/2018 11:23 PM, Robert Moore, TX] reports hours after the Trump administration invoked national security powers to change existing rules to deny asylum to anyone entering this country illegally, U.S. immigrant rights advocates in El Paso learned that immigration officials were going to start evicting migrants encamped on international bridges awaiting to legally apply for asylum. U.S. and Mexican authorities have reached an agreement to remove hundreds of asylum seekers, including children, from international bridges linking El Paso and Ciudad Juarez, representatives from the American Civil Liberties Union told Texas Monthly Thursday night. Mexican officials are still working to identify shelter space for the migrants as they wait for permission to make their asylum claim in the United States. More than 450 would-be asylum seekers – mostly from Central America – are currently camped out on the Mexican side of three bridges linking the two cities, said Shaw Drake, an attorney for the ACLU's Border Rights Center in El Paso. U.S. Customs and Border Protection officials reached an agreement with Mexican government officials and non-governmental agencies at a meeting on Thursday to begin removing the asylum seekers beginning next week, said Cynthia Pompa, the Border Rights Center office manager who has been in contact with the Mexican groups. Roger Maier, a CBP spokesman, confirmed ongoing discussions with Mexican counterparts. "I can confirm a meeting with various Mexican officials and agencies. Those discussions are ongoing.

Nothing firm to share at this time. And as stated earlier you might want to check with Mexico on the numbers waiting. Figures they shared with us were less than half the number you report."

### **[CA] Man accused in L.A., Santa Monica homeless slayings charged with additional attacks**

[Los Angeles Times](#) [11/8/2018 1:25 PM, James Queally and Cindy Chang, 3575K] reports a Salvadoran national suspected of killing at least four men during a spate of savage attacks on Los Angeles County's vulnerable homeless community earlier this year was charged with four additional counts of attempted murder, a prosecutor said after a court hearing on Thursday. Ramon Escobar, 47, was arrested in late September and charged in a weeks-long series of assaults that left a number of homeless men beaten to death or comatose in downtown Los Angeles and Santa Monica. In an amended complaint filed by prosecutors on Thursday, Escobar was charged with attempted murder and robbery in a Sept. 11 attack on Albert Scott in the 4700 block of West Slauson Avenue in Windsor Hills. Another new attempted murder charge stemmed from an attack on Sept. 15 at the edge of MacArthur Park. Shortly after his capture, Escobar's immigration status became a topic of debate when U.S. Immigration and Customs Enforcement revealed that he had been deported from the U.S. six times from 1997 to 2011. Escobar was arrested several times on suspicion of assault between 1992 and 2018, according to a review of state and federal court records, which showed he was most often detained on suspicion of illegally entering the U.S. At the time of the Southern California attacks Escobar had a legal right to be in the country. Records show he was granted an appeal of his deportation order in December 2016 and released from federal custody in January of last year, according to ICE. An ICE spokeswoman could not say why Escobar's appeal was granted. Earlier this year, the LAPD said Escobar had been allowed to re-enter the U.S. on an asylum claim, but court records relating to asylum claims are not generally open to the public.

## **Legal News**

### **Appeals court rules against Trump on DACA immigrant policy**

[Washington Post](#) [11/8/2018 4:02 PM, Sudhin Thanawala] reports that a U.S. appeals court blocked President Donald Trump on Thursday from immediately ending an Obama-era program shielding young immigrants from deportation, saying the administration's decision to phase it out was arbitrary because it was based on a flawed legal theory. A three-judge panel of the 9th U.S. Circuit Court of Appeals unanimously kept a preliminary injunction in place against Trump's decision to end the Deferred Action for Childhood Arrivals program. Lawsuits by California and others challenging the administration's decision will continue in federal court while the injunction stands. The U.S. Supreme Court could eventually decide the fate of DACA, which has protected some 700,000 people who were brought to the U.S. illegally as children or came with families that overstayed visas. In Thursday's ruling, 9th Circuit Judge Kim Wardlaw said California and other plaintiffs were likely to succeed with their claim that the decision to end DACA was arbitrary and capricious. She said the court was not trying to infringe on the president's power to enforce immigration law but wanted to enable the exercise of that authority "in a manner that is free from legal misconceptions and is democratically accountable to the public."

The [Washington Post](#) [11/8/2018 3:37 PM, Robert Barnes] reports additionally that the Deferred Action for Childhood Arrivals program was begun in 2012 by President Barack

Obama, and has protected nearly 700,000 people brought to this country as children. The Trump administration moved to end the program in 2017 after Texas and other states threatened to sue to force an end to the program. Then-attorney general Jeff Sessions advised the Department of Homeland Security to end the program, saying it was probably unlawful and that it could not be defended in court. But a number of courts around the country have ruled the administration's reasoning was incorrect and kept the program in place. Like the other courts, the panel did not question the administration's power, but faulted its approach.

The [ABA Journal](#) [11/8/2018 6:53 PM, Debra Cassens Weiss, 43K] reports that the 9th U.S. Circuit Court of Appeals at San Francisco said in its decision that the plaintiffs were likely to succeed on their claim that the rescission of the program was "arbitrary and capricious." The program is known as DACA, the acronym for Deferred Action for Childhood Arrivals. The 2012 program deferred deportation for immigrants and allowed them to obtain work permits. Immigrants in the program had to have clean criminal records and meet other educational or military service requirements. President Donald Trump announced a wind down of DACA in September 2017.

Reported similarly:

[New York Times](#) [11/8/2018 8:56 PM, Caitlin Dickerson, 22322K]

[Los Angeles Times](#) [11/8/2018 4:32 PM, Scott Martelle, 3575K]

[Wall Street Journal](#) [11/8/2018 1:55 PM, Brent Kendall]

[Politico](#) [11/8/2018 2:22 PM, Ted Hesson]

[Huffington Post](#) [11/8/2018 1:38 PM, Tom Hals]

[USA Today](#) [11/8/2018 4:18 PM, Richard Wolf and Alan Gomez]

[FOX News](#) [11/8/2018 10:54 AM, Brooke Singman and Bill Mears]

[BuzzFeed](#) [11/8/2018 3:55 PM, Chris Geidner, 8149K]

[VOX](#) [11/8/2018 3:30 PM, Dara Lind]

[Washington Times](#) [11/8/2018 1:58 PM, Stephen Dinan, 547K, DC]

[The Mercury News](#) [11/8/2018 2:11 PM, Tatiana Sanchez, 555K, CA]

### **19 Cities, Counties Say Detained-Minor Rules Flout Flores**

[Law 360](#) [11/8/2018 8:37 PM, Lauraann Wood] reports that 19 cities and counties on Wednesday got behind a class asking a California federal judge to block the government's proposed rule changes regarding its detention of immigrant minors, saying the changes would "directly undermine" core protections and concerns in their case's consent decree. The 1997 decree, called the Flores settlement agreement, limited the length of time children could be detained and established standards for migrant children held in U.S. government custody. However, the September rule proposals from the U.S. Department of Health and Human Services' Office of Refugee Resettlement aim to change detention facility licensing requirements in ways that could allow it to detain the children indefinitely in its own establishments and impede their access to legal representation, the municipalities told U.S. District Judge Dolly Gee.

### **L.A. Joins Other Cities in Court Filing Opposing Trump Immigration Policy**

[My News LA](#) [11/8/2018 8:41 PM, Staff, 7K, CA] reports Los Angeles City Attorney Mike Feuer announced Thursday that his office and the city of Chicago joined 17 cities and counties in filing an amicus brief supporting a lawsuit seeking an injunction to prevent the Trump administration from altering a court agreement limiting the government's ability to

hold minors in immigration jails. The brief supports the plaintiffs – all of whom are migrant children – in the federal case of Flores v. Sessions. The federal government entered into the Flores Settlement Agreement in 1997, which outlined a new policy for the treatment of children in custody because of immigration issues and requires the release of detained children within 20 days, as well as adequate access to medical care, legal representation and other services. In September 2018, the Trump administration sought to undo provisions of the FSA and eliminate the requirement that detained children must be held in non-secure, state-licensed facilities; allow for the detention of immigrant children for longer periods of time than the FSA permits; and limit the children's ability to receive adequate access to counsel, Feuer's office said.

### **Married Immigrants Can't Seek Class Status, Gov't Says**

[Law 360](#) [11/8/2018 7:14 PM, Jeannie O'Sullivan] reports that the U.S. government has struck back at the class certification bid by immigrant couples fighting deportation orders for noncitizen spouses, arguing Wednesday that the proposed class includes people who haven't suffered any injury. The proposed class led by Lilian Pahola Calderon Jimenez and her U.S. citizen husband, Luis Gordillo, and others is "impermissibly broad" since it includes those who haven't been targeted by Immigrations and Customs Enforcement, the government said in its brief. The petitioners are accusing President Donald Trump's administration of violating the due process rights of noncitizen spouses.

### **[NH] Judge Rules Man Detained by ICE in Dover for More Than Eight Months Will Get Hearing**

[New England Public Radio](#) [11/8/2018 12:23 PM, Robert Garrova, 5K, MA] reports a federal judge ruled in Concord Tuesday that a man held in immigration custody in New Hampshire for more than eight months will get a hearing. Abdigani Faisal Hussein is a Somali national who came to the U.S. as a refugee in 1996. Hussein was detained because of a 16-year-old conviction involving khat, a mild stimulant chewed or brewed in tea by many Somalis. For more than a decade after being sentenced to one year of probation, Hussein was allowed to live and work in the U.S. if he consented to occasional check-ins with immigration officials and other requirements. That changed in March of this year, when he was arrested by Immigration and Customs Enforcement. Up until now Hussein had been denied what's called a bond hearing, which would allow his attorneys to argue it's safe for him to challenge deportation outside of detention.

### **[NY] DOJ Settles Immigration Bias Claim Against NY Hotel**

[Law 360](#) [11/8/2018 3:15 PM, Tiffany Hu] reports that the U.S. Department of Justice has settled with a New York operator of a Hyatt hotel near LaGuardia Airport over allegations that the company discriminated against a man who had been granted asylum on the basis of his citizenship status, the department announced Wednesday. The DOJ found that the Queens-based MJFT Hotels of Flushing LLC wrongly refused to hire the man for a front desk position, even though he had presented proper work authorization documents. Instead, the company eliminated him from the hiring process without any "specific legal justification," which violated the anti-discrimination provision of the Immigration and Nationality Act, the department said.

"In general, employers may not restrict the employment opportunities of asylees because of their citizenship or immigration status," Principal Deputy Assistant Attorney General John Gore said in a statement. The INA prevents employers from discriminating on the basis of



citizenship status or national origin in the hiring, firing or recruitment of employees. People granted asylum have permanent work authorization like U.S. citizens, nationals, refugees and lawful permanent residents do, the DOJ said. The DOJ's Immigrant and Employee Rights Section had opened an investigation into MJFT's recruiting and hiring practices in October 2017 and determined that there was reasonable cause to believe that the company did not adequately consider the man for the job at the Hyatt Place Flushing/LaGuardia Airport based on his citizenship status.

**[PA] Federal appeals judges hear arguments in Philly 'sanctuary city' case**

[Courier Express](#) [11/8/2018 12:03 PM, Bobby Allyn, PA] reports that before a panel of U.S. appeals judges, lawyers for the Trump administration Wednesday tried again to legally justify its attempt to punish "sanctuary cities" that limit cooperation with federal immigration authorities working to deport people in the country illegally. As the panel considers how to rule, the U.S. Justice Department has been on a losing streak in this fight. Last year, a U.S. District Court in Philadelphia found that new conditions the Justice Department tried to attach to grant funding were unconstitutional. And federal judges in Chicago and California also rejected the Justice Department's new grant requirements. Former Attorney General Jeff Sessions — whose resignation was announced as the federal judges listened to arguments — sought to make about \$1.7 million in annual grant funding to Philadelphia contingent on three things: that the city give immigration authorities more access to prisons; that Immigration and Customs Enforcement receive a two-day notice before a migrant is released from city custody; and that federal authorities be told the immigration status of everyone sitting in local jails and prisons. Last November, U.S. District Judge Michael Baylson said city officials are not required to do any of that. If federal immigration authorities want more information than that already shared about someone held in the city, Baylson said, they must obtain a warrant signed by a judge.

**[CA] UC urges students to file DACA renewals as appeals court rules against Trump**

[CALMatters](#) [11/8/2018 6:42 PM, Felicia Mello, 12K] reports that California notched another legal victory Thursday in its bid to protect undocumented immigrants brought to the U.S. as children from deportation, as a federal appeals court agreed with the state's attorney general and the University of California that the Trump administration cannot dismantle the Deferred Action for Childhood Arrivals program. About one in four Dreamers live in California, according to Attorney General Xavier Becerra. An Orange County lawsuit has challenged California's sanctuary state laws. An Orange County Superior Court judge has ruled that California's "sanctuary state law" conflicts with Huntington Beach's rights as a charter city, throwing some protections for undocumented immigrants into question in 120 cities throughout the state.

**[CA] Lawsuit targets Greyhound over warrantless immigration stops aboard buses**

[Washington Post](#) [11/8/2018 5:13 PM, Spencer S. Hsu, 11653K] reports lawyers for a California woman asked a state judge Thursday to order Greyhound Lines to stop allowing federal immigration agents to board its buses and demand identification and proof of citizenship from passengers. The lawsuit, which seeks class-action status for all California residents, was filed in Alameda County by a U.S. citizen, Rocio Cordova, who said she was traveling from San Diego to Phoenix by Greyhound in November 2017 when the bus on which she was riding pulled over on a highway to allow U.S. Customs and Border Protection officers to interrogate passengers. The suit comes as civil rights groups, labor unions and Democratic lawmakers have stepped up a campaign against U.S. travel and transportation

companies this year, urging them to stop tactics that the companies say are not new but which Customs and Border Protection officials say have been on the rise under the Trump administration.

## **Enforcement News**

### **Immigrant deportation filings hit record high in 2018, new report shows**

[CBS News](#) [11/8/2018 5:32 PM, Kate Smith] reports that a record high number of immigrants were ordered to be removed from the U.S. in 2018, a rise that many immigration advocates call the culmination of nearly two years of anti-immigration measures from the Trump administration. The president made immigration a central focus of the midterm election campaign. Immigration officials ordered 287,741 new deportations in the fiscal year ending September 30, 2018, according to the report from Syracuse University's Transactional Records Access Clearinghouse (TRAC). TRAC obtained the data from the Department of Homeland Security through Freedom of Information Act requests. It's the highest number of new removal filings since the group began tracking deportation orders in 1992.

### **[CT] A Family Separated But Still Together**

[New Haven Independent](#) [11/8/2018 12:59 PM, Karla Cornejo Villavicencio, 12K, CT] reports that the Pinos family is fighting a deportation order that threatens to break their family apart, leaving carnage in its wake. The patriarch, Nelson Pinos, took up sanctuary in a local church on Nov. 30, 2017, in order to fight to be able to stay with his family. It has been nearly a year since then, and while the rest of us are figuring out a way to make small talk with our uncles, as we make curt comments over pie, the Pinoses are begging God for a Thanksgiving miracle. Their wish: for ICE to grant Nelson a stay of deportation that will allow him to go home after a long year away.

### **[NY] Bay Shore man whose conviction had been overturned pleads guilty to manslaughter**

[Newsday](#) [11/8/2018 6:07 PM, Andrew Smith, 306K, NY] reports a Bay Shore man whose 2015 manslaughter conviction was thrown out last month by an appellate court because of prosecutorial conduct pleaded guilty Thursday to the same crime but got a reduced sentence that freed him from prison immediately. Instead of walking free, Wilfredo Flores, 32, will be turned over to the federal Immigration and Customs Enforcement agency, which will likely deport him to his native El Salvador.

### **[NJ] A month after DWI bust at Rutgers, ICE still holding NJ man in jail**

[New Jersey 101.5](#) [11/8/2018 8:23 PM, Dan Alexander, 43K, NJ] reports a man arrested on a DUI charge at Rutgers University has been held for over a month by U.S. Immigration and Customs Enforcement at its detention center in Elizabeth. Luis A. Lopez, 27, was arrested on Sept. 29 by Rutgers Police and charged with DWI and showing officers false documents. ICE spokesman Emilio Dabul confirmed to New Jersey 101.5 that Lopez was transferred to ICE custody at the Rutgers police headquarters and taken to their facility in Elizabeth where he remained Thursday even though such offenses under state law would allow defendants to be freed pending trial. "Lopez was placed in removal proceedings before the Executive Office for Immigration Review. In 2008, Lopez was previously encountered by ICE on two occasions in Arizona and voluntarily returned to Mexico," Dabul said.

**[NJ] Attorney Charged with Killing Montclair Mother is Captured in Cuba**

[TAPinto](#) [11/8/2018 2:15 PM, Staff, NJ] reports that the Montclair attorney accused of killing his live-in girlfriend on October 22, has been captured in Cuba, police officials announced on Wednesday. According to published reports, James Ray, III, 55, is charged with killing the mother of his child, 44-year-old, Angela Bledsoe. During a press conference, Acting Essex County Prosecutor Theodore Stephens announced, "Today, we have in custody James R. Ray, III, who is charged with the murder of Angela Bledsoe, the mother of his daughter, and the woman with whom he shared a home on North Mountain Avenue in Montclair." The FBI worked in connection with the Montclair Police Department, Allentown, PA Police Department, the New Jersey State Police, Department of Homeland Security, U.S. Immigration and Customs Enforcement (ICE), U.S. Coast Guard, U.S. Embassy in Havana, Enforcement and Removal Operations Customs and Special Agent in Charge Gregory W. Ehrie, to solve this case and bring Ray back to the United States.

Reported similarly: [Tallahassee Democrat](#) [11/8/2018 12:03 PM, R. Torrejon, et al., FL]

**[FL] Why was accused police shooter still on the streets?**

[WINK TV](#) [11/8/2018 7:20 PM, Lauren Sweeney, 22K, FL] reports the man accused of killing Fort Myers police officer Adam-Jobbers Miller had a lengthy arrest record, and was apparently living in the country illegally. After the arrest of Wisner Desmaret for the shooting, Immigration and Customs Enforcement issued a detainer hold on him. A WINK News investigation found that the agency had issued at two prior holds on Desmaret in 2008 and 2010, but he was never deported.

He was arrested 16 times from 2010 to 2018 for charges ranging from felony burglary to misdemeanor trespassing. Court records show he was never convicted of any of those felonies. Many cases were not prosecuted or charges were not filed. More recent cases in 2015 and 2016 were dismissed when the court ruled he was incompetent to stand trial. On an audio recording from that competency hearing, prosecutors raised concerns that Desmaret may have been faking his mental issues to get out of the case.

The state told the judge: "It's not that he's unable, he's unwilling .... it's the state's position that he's trying to game the system at this point" In that same hearing, a court appointed psychologist testified that he felt Desmaret was intentionally trying to make himself look more impaired than he actually was. But ultimately both court appointed psychologists felt Desmaret had an intellectual disability after reviewing his school records. Lee County circuit Judge Joseph Fuller dismissed the case and Desmaret was released. Competency concerns also arose in an open Sarasota County weapon and drug possession case. But after Desmaret was sent to a state hospital on two occasions, the court decided he was competent to stand trial and he was released on bond in July.

Just days after his release, police say he shot and killed Jobber-Miller.

The Department of Justice denied a freedom of information act request for a record of Desmaret's proceedings with the Executive Office for Immigration Review, the agency that oversees deportation matters. EOIR sent a letter stating privacy rules that would require a signature from Desmaret to release information. The letter stated in part: "As you did not provide proper authorization ... EOIR only releases a redacted version of the final agency decision. In this case, EOIR has no responsive information as this matter is currently pending." [Editorial note: consult source link for video]

**[MO] Man Charged in 3 Killings Wanted by Immigration Authorities**

[New York Times](#) [11/8/2018 12:03 PM, Associated Press] reports that a man who federal authorities believe is in the U.S. illegally has been charged in the fatal shooting of two former roommates and a woman whose home he moved into after his first victims threw him out, police in southwestern Missouri said. A second man has been charged as an accomplice. Police said in charging documents that Luis Perez opened fire on Steven Marler, 38, and Aaron Hampton, 23, at their home in Springfield on Nov. 1. Two other people were wounded but survived. Perez then shot and killed Sabrina Starr, 21, a day later at her house, the documents say. The 23-year-old suspect faces eight other felony counts in the shootings. U.S. Immigration and Customs Enforcement spokesman Shawn Neudauer said in an email that the agency is reviewing its records and plans to issue a statement once that review is complete.

Reported similarly: [KDWN](#) [11/8/2018 5:32 PM, Staff, NV]

**[IL] Springfield family's future uncertain as parents face deportation, prison time**

[State Journal-Register](#) [11/8/2018 9:44 PM, Crystal Thomas, 24K, IL] reports after spending more than a decade in town, a Springfield couple faces possible prison time and deportation to Mexico, leaving the fate of their two children uncertain. Guadalupe Lugo-Segovia, 43, and Abel Morales, 41, pleaded guilty in federal court Thursday to knowingly using fraudulent Social Security cards to gain employment. The one-count felony charge could mean up to five years in prison for the undocumented immigrants. Lugo-Segovia and Morales both worked at Papa Frank's Italian Restaurant, 4111 Wabash Ave., last year when an Immigration and Customs Enforcement agent opened an investigation into the business' employment practices. They, along with one other worker, were charged in September.

**[TX] Peruvian Soldier Arrested in San Angelo Deported**

[San Angelo Live](#) [11/8/2018 11:32 AM, Yantis Green, TX] reports that a Peruvian soldier wanted for his role in a massacre in Peru who was arrested at his home in San Angelo has been deported. According to Officers with U.S. Immigration and Customs Enforcement's Enforcement and Removal Operations, Special agents with ICE Homeland Security Investigations (HSI) arrested Pacheco-Zambrano on Sept. 17, 2018, at his residence in San Angelo. On Oct. 3, an immigration judge ordered that Pacheco-Zambrano be removed from the United States. Dennis Wilfredo Pacheco-Zambrano, 48, a former Peruvian army second sergeant, has been charged in Peru for his alleged role in the July 4, 1991, torture, rape and extrajudicial killing of 15 Peruvian civilians in the rural village of Santa Barbara, Peru. The killings were part of a larger campaign of military violence against the civilian population in the region that took place between 1980 and 2000. Pacheco-Zambrano was deported Wednesday.

Reported similarly: [San Angelo Standard-Times](#) [11/8/2018 3:28 PM, Staff, 9K, TX]

**[TX] Raided: The Truth About Deportation**

[East Texas Matters](#) [11/8/2018 10:24 PM, Isaac Ramirez, 15K, TX] reports over 150 undocumented immigrants are waiting for answers after an ICE investigation on a Northeast Texas business. Miguel Oliva migrated to the United States illegally 21 years ago from Mexico. He came in search for a better life for his special needs son and family. His life was turned upside down when he was arrested during an ICE raid two months ago. The raid happened at Load Trail LLC in Sumner, about 17 miles west of Paris. 159 undocumented

immigrants were arrested and taken to two detention facilities in North Texas and Oklahoma. "Those administratively arrested will be processed for removal proceedings and will be entitled to a hearing with an immigration judge, depending on their previous criminal history or immigration history," Katrina Berger, Special Agent in Charge with Homeland Security Investigations says. According to information released by the Department of Homeland Security, it all started after officials received word that Load Trail, a company that builds trailers, may have knowingly hired undocumented immigrants. They also received information that some of those illegal workers were using fraudulent identification documents. According to the Department of Homeland Security, 12 undocumented immigrants arrested during the ICE operation in Sumner have since been federally indicted for illegally re-entering the United States after having been deported.

**[NE] Homeland Security agents detain 22 for immigration violations in raids of Lincoln restaurants**

[Omaha World-Herald](#) [11/8/2018 8:00 PM, Paul Hammel, NE] reports 22 people were detained Thursday in the capital city as part of a criminal investigation conducted by Homeland Security agents. They were detained for immigration violations unrelated to the criminal probe, according to Shawn Neudauer, a spokesperson for Homeland Security Investigations. Neudauer declined to discuss the nature of the investigation but said most of those detained for immigration violations would most likely be released later Thursday pending further administrative proceedings unless they have convictions for serious past criminal offenses. The raids, conducted with the help of the Lancaster County Sheriff's Office, were carried out at multiple locations across Lincoln. Neudauer declined to identify the locations of the raids, but the Lincoln Journal Star reported that one happened at a Mexican restaurant just north of 70th and O Streets called Mazatlan. Neudauer said the raids were similar to a much larger operation in O'Neill in August, when more than 130 people were detained, because both were spawned by a criminal probe, not an immigration enforcement action. In O'Neill, several members of the same family were charged with exploiting local workers for whom they arranged jobs. Neudauer would not say Thursday if a similar operation was uncovered in Lincoln.

Reported similarly: [KOLN/KGIN](#) [11/8/2018 5:19 PM, Staff, NE]

**{End of Report}**





# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Tuesday, Nov. 13, 2018**

## **Executive Office for Immigration Review**

Trump Suspends Some Asylum Rights,  
Calling Illegal Immigration 'a Crisis' ..... 4

Trump Asylum Ban Will Extend To  
Thousands Of Unaccompanied  
Immigrant Minors..... 5

Ex-Immigration Judge: Trump's Asylum  
Rule Is 'Best Possible Solution' at the  
Border ..... 6

Questions and answers about Trump's  
new immigration ban ..... 6

Lawsuit seeks to block Trump from  
restricting asylum for migrants who  
enter U.S. illegally ..... 6

Trump's Proclamation Skirts US Asylum  
Law, Attys Say ..... 7

Close Call! Joe Giudice Files Last  
Minute Appeal On Deportation Order ... 8

## **Policy and Legislative News**

Migrant caravan moving to western  
Mexico city of Guadalajara..... 9

Mexico Gave the Migrant Caravan a  
Warm Welcome. It Wasn't Always This  
Way. .... 10

Amid a political minefield, the Army  
prepares at the border for a migrant  
caravan ..... 10

As migrant caravan heads to Tijuana,  
'all contingencies on the table' as feds  
plan for worst..... 11

Costs are mounting for Trump's use of  
the military at the border ..... 11

Army, Customs And Border Protection  
Say They Worry Honduran Migrant  
Caravan Will Storm Border ..... 11

CBP says it does not have capacity to  
process volume of asylum claims..... 12

Migrant Caravan: Military Has Seen No  
Evidence to Support 270 Criminals  
Figure Touted By White House, DHS.. 12

Caravans are 'tip of the iceberg' of a  
larger and deeply entrenched  
phenomenon ..... 13

In Mexico, mothers of missing migrant  
children start their own caravan to warn  
of journey's dangers..... 13

Record Number of Migrants in Families  
Were Apprehended at Border Last  
Month..... 13

Every Week, Illegal Border Crossings Dwarf Caravan That's 'Hundreds Of Miles Away' .....	14
Democrats are in. Sessions is out. Here's what that means for immigration .....	15
White House to press tough immigration laws, border wall in Congress's lame duck session .....	15
Man's harrowing journey to U.S. underscores immigration shift .....	15
'Don't cry. It's going to be worth it.' .....	15
A 'Dreamer' Worries About His Future	16
Progressives retreat from 'Abolish ICE' priority .....	16
ICE director confirmation hearing .....	16
Trump is preparing to remove Kirstjen Nielsen as Homeland Security secretary, aides say .....	17
Congress returns to familiar threat: Trump's demand for wall money or shutdown.....	17
[NC] Activists remind winning NC sheriff of pledge to end cooperation with ICE	17
[TN] Hundreds of recently released Central Americans pass through Memphis bus station, aid group says .	18
[FL] Hillsborough Sheriff's Office spurns ICE agreement but is still holding immigrants for the agency .....	18
[MI] Department of Justice grant could clash with Kalamazoo's ICE policy .....	18
[TX] Group of 93 Migrants Surrender After Illegally Crossing Border into Texas .....	19
[TX] Tour at International Bridge Shows CBP Preparing for Changes in Asylum Processing.....	19
[TX] Migrants seeking asylum moved from ports of entry as temps drop .....	19
[TX] Border Security costing Texas billions of dollars .....	20

[TX] They Were Stopped at the Texas Border. Their Nightmare Had Only Just Begun.....	20
[AZ] U.S. troops' arrival prompts unease on both sides of the border in Arizona	20
[AZ] U.S. officials: Arizona border ports need razor wire to prevent migrant rush .....	21
[AZ] Border officials in Arizona warn asylum seekers of arrest for illegal entry .....	21
[OR] Oregon Sues Trump Administration Over Withheld Federal Dollars .....	22
[OR] Kate Brown, Ellen Rosenblum sue Donald Trump over sanctuary status laws .....	22
[Mexico] Mexico reshaping approach to Central American migrants as caravans push north .....	22
[Mexico] How Mexico's next president plans to deal with the flow of Central Americans .....	23

## Legal News

Judge in family separations case: 'We're approaching the end of reunification' ...	23
Court rules in favor of DACA, denies Trump authority to cancel program for Dreamers.....	23
Humanitarian Visas Targeted In USCIS Deportation Policy .....	24
[VT] Groups plan to file 'major' federal immigration lawsuit in Vermont .....	24
[NJ] State targets 28 'notarios' they say are preying on immigrants with legal issues .....	25
[TX] Advocacy group: ICE tried to deceive detained woman trying to protect child .....	25
[ID] Legal Advocate Fills Gaps In Immigration Court Representation .....	26

[CA] New federal judges offer partial relief to Southern California courts strained by 'zero tolerance' ..... 26

[CA] Deportation without representation ..... 26

## Enforcement News

ICE has record number of people in custody: report ..... 27

How Much It Costs ICE To House Immigrants In Detention Centers ..... 28

With or without criminal records, some immigrants spend many years in detention ..... 28

The Trump admin sent him 'home' to a land where slavery lives on ..... 28

7-Eleven's Alleged Collaboration on ICE Raids Is a Cautionary Tale ..... 29

Report: DEA, ICE Are Stocking Up on Hidden Streetlight Cams ..... 29

Suspect in 3 slayings faced ICE issue in New Jersey ..... 30

[MA] Man who drove into crowd in 1998, killing one, is paroled ..... 31

[NY] Immigrant with LI family detained by ICE after stop for broken headlight 31

[NY] ICE Places Deportation Detainer On Hackensack Cook Charged With Sexual Contact With Teen ..... 31

[NY] ICE detains man months after traffic stop; wife fights for reunion ..... 32

[MD] Torn Apart: How a deportation ripped apart a Frederick family ..... 32

[VA] Woman who is charged in crash that killed Henrico woman might have fled the U.S., prosecutor says ..... 32

[NC] She fled from a man she feared would kill her. She hoped for asylum in Charlotte. .... 33

[NC] 'I'm not even a danger to society': Nonviolent DACA recipients face deportation after arrest ..... 33

[TN] Trump Administration To Deport Journalist, SPLC Says It Could Happen Within Month ..... 34

[TN] Most Wanted: Previously deported man faces burglary, assault charges in Wilson County ..... 34

[GA] Man charged in fatal canal crash facing federal charges for illegal re-entry to U.S. .... 34

[MO] Seaboard pays \$1M to end ICE investigation ..... 35

[MO] Openly gay Saudi native, living in Kansas City, finally granted asylum in U.S. .... 35

[AR] Attempted murder charges filed in police chase ..... 35

[MI] Ann Arbor says deportation of man in sanctuary would be death sentence 35

[TX] Murderer Deported to Mexico Last Month Recaptured in Texas ..... 36

[TX] Authorities discover 18 immigrants, 150 rounds of ammunition in east Laredo stash house ..... 36

[NE] 21 of 22 arrested in Homeland Security investigation are released ..... 36

[NE] Nearly two dozen people detained in HSI operation ..... 37

[NE] State Latino group condemns Thursday ICE raid at Mexican restaurants in Lincoln ..... 37

[OK] Okla. Pork Co. Pays \$1M To End ICE Employment Probe ..... 37

[AZ] Border Patrol arrests 449 migrants in western Arizona ..... 37

## Executive Office for Immigration Review

### **Trump Suspends Some Asylum Rights, Calling Illegal Immigration 'a Crisis'**

[New York Times](#) [11/9/2018 4:01 PM, Michael D. Shear and Eileen Sullivan, 22322K] reports President Trump proclaimed on Friday that the illegal entry of immigrants across the southern border of the United States was detrimental to the national interest, triggering tough changes that will deny asylum to all migrants who do not enter through official border crossings. The proclamation, issued just moments before Mr. Trump left the White House for a weekend trip to Paris, suspends asylum rights for all immigrants who try to cross into the United States illegally, though officials said it was aimed primarily at several thousand migrants traveling north through Mexico in caravans.

[Roll Call](#) [11/9/2018 11:08 AM, Dean DeChiaro, 110K] reports that in a statement, DHS Secretary Kirstjen Nielsen and Acting Attorney General Matthew G. Whitaker said the policy is designed to curb use of the asylum process by those not qualified for refuge so that the administration can focus on those with legitimate claims. "Our asylum system is overwhelmed with too many meritless asylum claims from aliens who place a tremendous burden on our resources, preventing us from being able to expeditiously grant asylum to those who truly deserve it," said Nielsen and Whitaker.

[The Hill](#) [11/9/2018 9:24 AM, Jordan Fabian, 2630K] reports "we want people to come into our country, but they have to come into the country legally," Trump told reporters before leaving the White House for a trip to Paris. Under the Justice Department and Department of Homeland Security rule, immigrants who illegally cross the U.S. southern border from Mexico would be barred from claiming asylum under the existing process. The restrictions will remain in place for 90 days but could be renewed on the recommendations of the secretary of State, secretary of Homeland Security and attorney general, according to the proclamation. Democrats and immigrant rights groups are expected to challenge the policy change in court in the coming days.

[FOX News](#) [11/9/2018 7:06 AM, William La Jeunesse, 10787K] reports "our asylum system is overwhelmed with too many meritless asylum claims from aliens who place a tremendous burden on our resources, preventing us from being able to expeditiously grant asylum to those who truly deserve it," said Homeland Security Secretary Kirstjen Nielsen and acting Attorney General Matthew Whitaker in a joint statement. The administration calls the claims 'meritless' since roughly 80 percent are ultimately rejected by an immigration judge.

[TIME](#) [11/9/2018 10:37 AM, Colleen Long, 3468K] reports that the proclamation puts into place regulations adopted Thursday that circumvent laws stating that anyone is eligible for asylum no matter how he or she enters the country. Administration officials say the measures are in effect for at least three months, but could be extended. They go into effect Saturday and don't affect people who are already in the country. Administration officials said those denied asylum under the proclamation may be eligible for similar forms of protection if they fear returning to their countries, though they would be subject to a tougher threshold. Those forms of protection include "withholding of removal" – which is similar to asylum, but doesn't allow for green cards or bringing families - or asylum under the United Nations Convention Against Torture. Homeland Security officials said they were revising staffing at the border crossings manage the crush, but it's not clear how migrants, specifically families,

would be held as their cases are adjudicated.

[Law360](#) [11/9/2018 10:04 AM, Nicole Narea] reports that a DHS official said that U.S. Customs and Border Patrol will continue to refer apprehended noncitizens to partners at U.S. Immigration and Customs Enforcement and the Department of Health and Human Services, documenting their claims of fearing return to their home countries as part of that processing. CBP will refer questions about asylum adjudication to U.S. Citizenship and Immigration Services and the DOJ's Executive Office of Immigration Review, the official said. USCIS will screen any individuals who claim asylum, but those who violate the terms of the proclamation will be found ineligible for asylum, a DHS official said. A DOJ official said that those applying for CAT relief will be evaluated as to whether they have "reasonable fear" of returning to their home countries. Critically, the standard for establishing "reasonable fear" is much higher than that of "credible fear," which is the basis on which asylum applicants are judged. There will be no change in the processing procedures at ports of entry, a DHS official said.

Additional reporting:

[Reuters](#) [11/9/2018 4:25 AM, Staff, 4724K]

[New York Times](#) [11/12/2018 10:00 PM, Staff, 242K]

[Bloomberg](#) [11/9/2018 4:33 PM, Kartikay Mehrotra]

[Breitbart](#) [11/11/2018 12:27 PM, Pam Key, 2405K]

[BuzzFeed](#) [11/9/2018 9:05 PM, Adolfo Flores, 8149K]

[BuzzFeed](#) [11/9/2018 3:19 PM, Zoe Tillman, 8149K]

[CNN](#) [11/9/2018 1:03 PM, Jeremy Diamond, Jessica Schneider and Geneva Sands]

[The New Yorker](#) [11/12/2018 6:00 PM, Masha Gessen]

[Salon](#) [11/13/2018 6:00 AM, Kristie De Pena]

[Daily Beast](#) [11/9/2018 1:40 PM, Scott Bixby, 2272K, NY]

[The Week](#) [11/12/2018 6:00 AM, Shikha Dalmia]

[Townhall](#) [11/9/2018 6:30 AM, Leah Barkoukis, 348K]

[VOX](#) [11/9/2018 11:28 PM, Dara Lind, 3169K, DC]

[VOX](#) [11/9/2018 6:40 PM, Dara Lind, 3169K, DC]

[USA Today](#) [11/9/2018 10:05 AM, Bart Jansen, David Jackson, Deirdre Shesgreen, et al.]

[Fortune](#) [11/9/2018 10:27 AM, Staff, 1201K]

[Washington Examiner](#) [11/9/2018 9:44 AM, Robert Donachie, 567K, DC]

[Washington Times](#) [11/9/2018 9:41 AM, Stephen Dinan, 547K, DC]

[The Daily Caller](#) [11/9/2018 11:26 AM, Will Racke, 909K, DC]

[St. Louis Post-Dispatch](#) [11/12/2018 6:00 PM, Editorial Board, MO]

### **Trump Asylum Ban Will Extend To Thousands Of Unaccompanied Immigrant Minors**

[Huffington Post](#) [11/12/2018 4:48 PM, Elise Foley, 9094K] reports a controversial Trump administration policy suspending asylum for immigrants who cross the border illegally will also apply to kids and teenagers traveling to the United States without their parents, contradicting last week's comment by a high-level Trump official that it "does not apply" to unaccompanied minors. The distinction is an important one given the number of unaccompanied minors apprehended by Border Patrol – all of them, for the immediate future, now set to be barred from asylum by President Donald Trump. Border Patrol apprehended nearly 5,000 unaccompanied kids and teens. The minors it catches crossing the border illegally from Saturday on will be barred from one of the protections previously available to them.



**Ex-Immigration Judge: Trump's Asylum Rule Is 'Best Possible Solution' at the Border**  
[FOX News](#) [11/10/2018 1:07 PM, Staff] reports former immigration judge Andrew Arthur said Friday on Tucker Carlson Tonight that the new asylum policy put in place by the Trump administration is the "best possible solution" to the disorder at the U.S.-Mexico border. The rule, announced on Thursday, bars migrants from claiming asylum unless it is done so at an official border crossing. Arthur said that President Trump is trying to channel everyone with a "credible fear claim" through official points of entry. "This is the best possible solution that we could have, to have [asylum-seeking migrants] go through the port of entry," he said. "That'll also give those people encouragement to apply in a third country: Mexico." [Editorial note: consult source link for video]

### **Questions and answers about Trump's new immigration ban**

[Washington Post](#) [11/9/2018 1:37 PM, Elliot Spagat] reports President Donald Trump ordered Friday that anyone who enters the U.S. illegally from Mexico by going around official border crossings is ineligible for asylum. The president is denying asylum to people who enter the country from Mexico without going through official border crossings, effective Saturday. That means people can keep claiming asylum if they present themselves to U.S. authorities at any of the 26 border crossings with Mexico. Tens of thousands of immigrants in recent years have been showing up in the Arizona desert or crossing the Rio Grande in Texas and then turning themselves in to border agents and seeking asylum. Under the new rules, those immigrants will now face steep barriers to getting in the country – and deportation in many cases. The government says about 70,000 people who went around official crossings in the fiscal year that ended Sept. 30 sought asylum. The surge has contributed to an enormous backlog in immigration courts, which is where asylum cases must be decided if the applicant passes an initial screening. The backlog has more than doubled to 1.1 million cases in about two years, Syracuse University's Transactional Records Access Clearinghouse reported this week. The 1951 United Nations Refugee Convention, of which the U.S. is a signatory, says people may apply for asylum even if they enter a country illegally. Administration officials argue that U.S. law already has some bars on asylum – being part of a terrorist organization or having committed a serious crime, for example – and that "withholding of removal" and protection under the U.N. Convention Against Torture.

### **Lawsuit seeks to block Trump from restricting asylum for migrants who enter U.S. illegally**

[Washington Post](#) [11/9/2018 12:02 PM, Nick Miroff, 11653K] reports that attorneys for the American Civil Liberties Union and other immigrant advocacy groups filed suit Friday in the Northern District of California to block the Trump administration's plan to deny asylum protections to migrants who cross the Mexico border illegally. The suit accuses the administration of attempting to violate the Immigration and Nationality Act and the Administrative Procedure Act, alleging that Trump administration officials have improperly rushed to implement the new restrictions while also asserting executive powers that lie beyond the scope of what the Supreme Court upheld in its "travel ban" decision this year. The suit came hours after Trump issued a decree Friday morning that set in motion his administration's effort to close off asylum benefits for those who enter the United States illegally. The measures are to take effect Saturday. "The asylum ban is not justified by events on the ground, puts lives in danger and is patently unlawful," said Lee Gelernt, an ACLU attorney. "The administration is flagrantly ignoring a federal statute and bypassing the most basic procedural requirements governing the issuance of new laws."

The [Washington Post](#) [11/9/2018 12:57 AM, Colleen Long] reports further reports that about 70,000 people per year who enter the country illegally claim asylum, officials said. "We need people in our country, but they have to come in legally," Trump said Friday as he departed for Paris. The American Civil Liberties Union and other legal groups swiftly sued in federal court in Northern California to block the regulations, arguing the measures were illegal.

[PBS](#) [11/10/2018 11:50 AM, Colleen Long] reports that administration officials said those denied asylum under the proclamation may be eligible for similar forms of protection if they fear returning to their countries, though they would be subject to a tougher threshold. Those forms of protection include "withholding of removal" — which is similar to asylum, but doesn't allow for green cards or bringing families — or protection under the United Nations Convention Against Torture. Homeland Security officials said they were adding staffing at the border crossings to manage the expected crush, but it's not clear how migrants, specifically families, would be held as their cases are adjudicated. Family detention centers are largely at capacity. Trump has said he wanted to erect "tent cities," but nothing has been funded. The U.S. is also working with Mexico in an effort to send some migrants back across the border. Right now, laws allow only Mexican nationals to be swiftly returned and increasingly those claiming asylum are from Central America.

[The Hill](#) [11/9/2018 11:30 AM, Sandeep Gopalan, 2630K] reports the lawsuit claims to represent a class of "all persons Mexican, Central American, or South American citizens" traveling to the United States or who have attempted entry since Oct. 31, 2018. The plaintiffs claim a "well-documented human rights crisis" in Guatemala, Honduras and El Salvador is prompting thousands to seek asylum in the United States.

[The Recorder](#) [11/9/2018 3:16 PM, Ellis Kim, 118K] reports that The American Civil Liberties Union, Southern Poverty Law Center, and Center for Constitutional Rights, who represent the plaintiffs in the suit, are seeking declaratory and injunctive relief. In their complaint filed at the U.S. District Court in the Northern District of California, attorneys say the administration's move is a "direct violation of Congress's clear command that manner of entry cannot constitute a categorical asylum bar." The Justice Department did not immediately return a request for comment Friday.

Additional reporting:

[Reuters](#) [11/9/2018 10:08 AM, Staff, 4724K]

[The Hill](#) [11/12/2018 9:30 AM, Nolan Rappaport, 2630K]

[The Hill](#) [11/9/2018 2:45 PM, Lydia Wheeler, 2630K]

[CBS News](#) [11/9/2018 5:06 PM, Grace Segers]

[BuzzFeed](#) [11/9/2018 2:46 PM, Hamed Aleaziz, 8149K]

[Breitbart](#) [11/9/2018 1:28 PM, Neil Munro, 2405K]

[Independent](#) [11/10/2018 1:43 PM, Mythili Sampathkumar, 273889K]

[VOA](#) [11/9/2018 3:58 PM, Molly McKitterick, 1028K]

[Washington Times](#) [11/9/2018 3:12 PM, Stephen Dinan, 547K, DC]

[Washington Examiner](#) [11/9/2018 6:58 AM, Jamie McIntyre and Travis J. Tritten, 567K, DC]

### **Trump's Proclamation Skirts US Asylum Law, Attys Say**

[Law 360](#) [11/9/2018 6:40 PM, Nicole Narea] reports President Donald Trump's proclamation imposing new restrictions on asylum seekers presenting themselves outside ports of entry

contradicts the plain text and congressional intent behind the Immigration and Nationality Act's definition of who can petition for asylum, immigration attorneys and policy analysts said Friday. Officials from the U.S. Department of Homeland Security and the U.S. Department of Justice told reporters Friday that the proclamation is well within the administration's discretionary immigration and asylum powers. The DOJ and DHS had paved the way for the proclamation Thursday with the announcement of an interim final rule stripping asylum eligibility from those who violate it. But attorneys — including some at the American Civil Liberties Union and other groups who filed suit within hours of the proclamation's release Friday — said that the policy turns its back on the INA's broad terms permitting any noncitizen in the U.S. to petition for asylum, no matter where they present themselves. Moreover, they questioned whether the Trump administration will devote the necessary resources to process an additional influx of asylum claims at ports of entry. Department of Justice officials said that the INA includes specific exceptions to who is eligible to be granted asylum, including, for example, noncitizens convicted of serious crimes, those who pose a danger to national security and those who have already been firmly resettled in another country. The administration, however, can "establish additional limitations and conditions ... under which an alien shall be ineligible for asylum" beyond those outlined in the INA under the Homeland Security Act of 2002. Thursday's regulation can be seen as an exercise of that discretionary authority, the officials said. "Those with legitimate asylum claims are just as eligible today as they were before this order was issued — they simply have to go to one of our ports of entry to apply," the DOJ and DHS said in a joint statement Friday. "We should not have to go to court to defend the president's clear legal authority or our rights as a sovereign nation, but we will not hesitate to do so."

### **Close Call! Joe Giudice Files Last Minute Appeal On Deportation Order**

[Radar](#) [11/9/2018 6:01 PM, Mary Jacob, 218K] reports that Joe Giudice filed a last minute appeal on Friday to dispute his deportation order last month. It was a close call for the Real Housewives of New Jersey star who submitted the appeal on the final day before it was due. According to a spokesperson for the Department of Justice, "records show that its appellate component, the Board of Immigration Appeals, received an appeal today, Nov. 9, 2018, pertaining to Giuseppe Giudice's Oct. 10, 2018, removal order." Giudice, 46, was ordered deported by Immigration Judge John Ellington last month after he determined the reality stars' crimes were considered an aggravated felony.

Judge Ellington explained in a 13 page written decision: "The Court finds that the underlying offenses for Respondent's conspiracy conviction, mail and wire fraud ... are aggravated felonies ... as both convictions contain elements that necessarily entail fraudulent or deceitful conduct," the judge wrote in papers filed on October 10. "In addition, Giudice's crimes "constitute morally turpitudinous behavior," because he "failed to pay his taxes for the purpose of misleading or concealing," Ellington said. Giudice pleaded with the judge to reconsider but Judge Ellington insisted his decision was purely based on the law. "I don't understand how I can be deported on this case," Giudice stammered as he heard the decision. "If you will, I'll tell you my side. I shouldn't even be here right now." "I get no joy in telling a family this news," Judge Ellington responded. "Mr. Giudice, no matter how this turns out, I wish you the best. I decided this case as a matter of law."

[ET](#) [11/10/2018 4:04 PM, Jennifer Drysdale] reports that a spokesperson for the Department of Justice tells ET that "Executive Office for Immigration Review records show that its appellate component, the Board of Immigration Appeals, received an appeal Nov. 9, 2018, pertaining to Giuseppe Giudice's Oct. 10, 2018, removal order." ET has reached out

Teresa and Joe's rep for comment. ET confirmed on Oct. 10 that Joe, who started his 41-month sentence at the Federal Correctional Institution in Fort Dix, New Jersey, in March 2016, had been ordered by Immigration Judge John Ellington to leave the United States at the end of his prison sentence. He had one month to appeal the decision.

[People](#) [11/12/2018 11:37 AM, Jodi Guglielmi and Emily Strohm, 3142K] reports that "the appeal has been filed and we are optimistic that Joe will return home to his family where he belongs," his attorney James Leonard.

Reported similarly:

[E! News](#) [11/10/2018 4:55 PM, Lena Grossman, 1562K]

[Inquisitr](#) [11/9/2018 7:29 PM, Kristine Lofgren, 371K]

[US Magazine](#) [11/10/2018 12:00 PM, Erin Crabtree]

[PopCulture](#) [11/10/2018 8:25 PM, Jose Bastidas, 91K]

[Reality Blurb](#) [11/12/2018 6:00 PM, Lindsay Cronin]

[Newsday](#) [11/11/2018 9:15 PM, Staff, 306K, NY]

[New York Post](#) [11/11/2018 5:17 PM, Jaclyn Hendricks and Chelsea Hirsch, 3705K, NY]

[New Jersey Online](#) [11/12/2018 12:10 PM, Amy Kuperinsky, 858K, NJ]

[Daily Mail](#) [11/10/2018 5:44 PM, Brian Gallagher, 15169K, UK]

[Daily Mail](#) [11/12/2018 1:37 AM, Cassie Carpenter, 15169K, UK]

## **Policy and Legislative News**

### **Migrant caravan moving to western Mexico city of Guadalajara**

[Washington Post](#) [11/12/2018 5:51 PM, Maria Verza] reports that several thousand Central American migrants marked a month on the road Monday as they hitched rides to the western Mexico city of Guadalajara and toward the U.S. border. Most appear intent on taking the Pacific coast route northward to the border city of Tijuana, which is still about 1,550 miles (2,500 kilometers) away. The migrants have come about 1,200 miles (1,900 kilometers) since they started out in Honduras around Oct. 13. While they previously suffered from the heat on their journey through Honduras, Guatemala and southern Mexico, they now trek along highways wrapped in blankets to fend off the morning chill. While the caravan previously averaged only about 30 miles (50 kilometers) a day, the migrants are now covering daily distances of 185 miles (300 kilometers) or more, partly because they are relying on hitchhiking rather than walking.

The [Washington Post](#) [11/10/2018 8:39 AM, Maya Averbuch, 11653K] reports additionally that the Trump administration's new measures, which were announced Thursday, deny asylum to people who enter the United States between official ports of entry. Those arrivals can seek lesser status known as "withholding of removal" or protection under the Convention Against Torture. Either would temporarily prevent them from being deported but provides no path to permanent legal status. All those who enter via official ports of entry will be able to seek asylum, and many caravan members say that's their plan.

Reported similarly:

[Reuters](#) [11/10/2018 7:34 PM, Hannah McKay, 4724K]

[UPI](#) [11/9/2018 11:44 AM, Clyde Hughes, 303K]

[Washington Post](#) [11/10/2018 11:10 AM, Marco Ugarte and Yesica Fisch]

[The Hill](#) [11/9/2018 7:50 AM, Tal Axelrod, 2630K]

[The Hill](#) [11/9/2018 6:14 PM, Juliegrace Brufke, 2630K]  
[Newsweek](#) [11/12/2018 6:40 PM, Scott McDonald, 1720K]  
[USA Today](#) [11/10/2018 2:57 PM, David Agren]  
[CBS 8](#) [11/12/2018 4:23 PM, Staff, 59K, CA]

**Mexico Gave the Migrant Caravan a Warm Welcome. It Wasn't Always This Way.**

[New York Times](#) [11/10/2018 4:04 PM, Elisabeth Malkin, 22322K] reports that the caravan of Central Americans that has been making its way from Honduras toward the United States border moved on from Mexico City in the pre-dawn chill of Saturday. For much of the past week, the giant capital, which prides itself on being a sanctuary for refugees, turned an athletic stadium into a camp for some 5,000 migrants and offered them every type of city service. Ever since the caravan crossed into Mexico three weeks ago, the country has faced a reckoning over the way it treats Central American migrants.

Now, Mexico City's embrace of the caravan has thrown an opposing idea into sharp relief, an acknowledgment that the country's asylum laws require the government to protect migrants. Local officials cleared the way for an advance group of the caravan to board empty metro trains at 6 a.m. that ran express to the edge of Mexico City. A few miles further on, police flagged down commuter buses to carry five or 10 migrants at a time to the next stop. Traveling in stages, the migrants reached the city of Queretaro, 135 miles to the northwest, by evening.

**Amid a political minefield, the Army prepares at the border for a migrant caravan**

[Washington Post](#) [11/10/2018 12:17 PM, Dan Lamothe] reports that soldiers have found themselves in a mission whose wheels shifted into motion amid President Trump's election-season warnings that an "invasion" of migrants — many of them actually women and children — was heading north for the United States. The deployment has been panned by critics as a politically motivated stunt to rally Trump's base for the midterm elections, even as Defense Secretary Jim Mattis said late last month that "we don't do political stunts" in the military. Less than a week later, the Pentagon stripped the operation of its name — Faithful Patriot — amid complaints that it was overtly political. Images of soldiers stretching out concertina wire at the border just before Election Day had just surfaced. Public attention has shifted away from the mission in recent days as the president has focused on other issues. But the military's lumbering deployment from San Diego to Brownsville, Tex., has continued despite questions about its necessity.

The [Los Angeles Times](#) [11/10/2018 5:20 PM, Molly Hennessey-Fiske, 3575K] reports that over the last week, U.S. troops sent to the southern border ahead of a migrant caravan have built a temporary base camp near this rural crossing. During their first tour of joint operations at the border Friday, U.S. military and Border Patrol officials explained how they were working to overcome space constraints and prepare for caravans of migrants headed north through Mexico. President Trump has deployed 5,600 service members to the border, half of them to Texas, with nearly a thousand in the Rio Grande Valley. They've been staying in tents near the border crossing in nearby Donna, where they built a temporary dining hall and bathrooms. An additional 1,300 troops have been sent to California and 1,500 have been deployed to Arizona. The deployment is expected to last until Dec. 15.

[NBC News](#) [11/10/2018 4:03 PM, Gabe Gutierrez, Bianca Seward and Annie Rose Ramos, 3539K] reports about 1,000 of the 5,600 troops that the Pentagon says it has deployed to



the U.S.-Mexico border are in the McAllen area. As some troops install barbed wire fencing, others prepare a medical tent. Of the deployment ordered by President Donald Trump, 2,800 troops were sent to Texas, 1,500 to Arizona and 1,300 to California.

Additional reporting: [ABC News](#) [11/12/2018 2:40 PM, Quinn Owen, 2704K]

### **As migrant caravan heads to Tijuana, 'all contingencies on the table' as feds plan for worst**

[San Diego Union-Tribune](#) [11/9/2018 7:00 PM, Kristina Davis and Kate Morrissey, 291K, CA] reports that with the main migrant caravan now apparently headed for Tijuana to claim asylum in the U.S., federal authorities in San Diego on Friday warned that nothing short of law and order will be tolerated. Just in case, a slew of contingency plans are being hammered out before the first wave of potentially thousands of migrants arrive – from the worst-case scenario of a complete shutdown of cross-border travel to using military troops to fortify fences to adding staffing to process a flood of asylum claims at ports of entry. "We are going to be ready for them," San Diego's Chief Border Patrol Agent Rodney Scott told a large contingent of U.S. and Mexican reporters during a news conference Friday. About 5,000 migrants, mostly from Honduras, have spent the past few days gathering at a sports stadium in Mexico City to regroup before pushing north. It was unknown when they might reach the U.S. border.

The chief painted a dire picture of a system already crushed by asylum claims and a caravan of migrants with "a propensity for violence," noting video footage showing how at least one large group forced their way into Mexico from Guatemala, overwhelming troops. Asked about the possibility of closing the border down, Pete Flores, director of San Diego field operations for Customs and Border Protection, said all options "are on the table" and anything that threatens public safety will be countered with "necessary steps to protect the border and those using the border." Extra muscle has come in the form of some 5,700 troops along the southwest border.

### **Costs are mounting for Trump's use of the military at the border**

[Washington Examiner](#) [11/12/2018 12:17 PM, Travis J. Tritten, DC] reports that President Trump has tapped the Pentagon for his immigration and border initiatives to a larger extent than any of his recent predecessors and the potential bills are piling up. The military will likely be saddled with hundreds of millions of dollars in border costs for the deployment of thousands of troops and a border wall project. But the Pentagon says it still has no complete estimates of exactly how much Trump's ongoing initiatives aimed at stopping what he calls an immigration crisis and migrant invasion will cost or how they will be paid.

### **Army, Customs And Border Protection Say They Worry Honduran Migrant Caravan Will Storm Border**

[Fronteras](#) [11/11/2018 5:19 PM, Michel Marizco , 1K, AZ] reports newly-elected Democratic mayor Arturo Garino was just finalizing details on Election Day last Tuesday when the Army arrived in Nogales and started erecting coils of glistening razor wire along the tops of the border wall that separates his small U.S. town from its sister in Mexico.

"Razor wire, concertina wire is not what you want to see on a fence with two countries that have been friends and traded forever," he said. President Donald Trump announced a little more than a week ago that he was sending troops to the border to support the country's

Customs and Border Protection. The military action is called Operation Secure Line; the moniker, Operation Faithful Patriot was dropped shortly after the troops' arrival to the Southwest border. Larry Dewey, commander of the 16th Military Police Brigade from out of Fort Bragg North Carolina, and his counterparts in CBP explained Friday that the main reason for the buildup was the caravan of Honduran migrants making its way to the border from Mexico. [Editorial note: consult source link for audio]

### **CBP says it does not have capacity to process volume of asylum claims**

[ABC News 13](#) [11/9/2018 10:29 PM, Oscar Margain, 32K, VA] reports that there's a new timeline for withdrawal of troops at the border. The announcement comes as the head of the migrant caravan decides on which border port of entry it will arrive to, and as President Trump signs a new order restricting asylum claims. During a rare tour of the U.S. Customs and Border Protection (CBP) facilities at the McAllen-Hidalgo port of entry, CBP and Army North officials briefed the media on their preparations. Over the last couple of weeks, those preparations have included riot control drills, helicopter drop-off exercises and the installation of concertina wire by the Army along the border and around the ports. The one thing that CBP isn't prepared for are asylum claims. The agency admitted it is strapped for space and resources and is looking for ways to expand. This means more and more people are being told to go back to cartel laden cities of Mexico to wait until they can be processed. "CBP ports of entry are simply not designed to hold a large number of migrants," noted CBP Laredo Field Operation Director David Higginson.

### **Migrant Caravan: Military Has Seen No Evidence to Support 270 Criminals Figure Touted By White House, DHS**

[Newsweek](#) [11/10/2018 7:10 AM, James LaPorta, Chantal Da Silva and Jeff Stein, 1720K] reports that soldiers deployed to the U.S. southern border in anticipation of a caravan of Central American migrants have not been briefed on hundreds of criminal suspects allegedly traveling with the convoy itself, despite the Pentagon aiding the Department of Homeland Security with intelligence support along the southwest border. Last week, DHS claimed that "over 270 individuals along the caravan route have criminal histories, including gang membership." On Tuesday, a senior Defense Department official told Newsweek that the Pentagon had yet to receive any intelligence from DHS pointing to 270 high-risk migrants traveling with the caravan.

While the U.S. military seems to be in the dark, the White House has also touted the DHS' numbers, with Director of Strategic Communications Mercedes Schlapp mentioning the 270 figure last Friday during an interview on the border situation with Fox & Friends. "What we're seeing right now is you're having this influx of illegal aliens, you're talking about 1,000 to 2,000 illegal aliens crossing our border daily," Schlapp said. "I mean we're talking about a daily caravan coming into America." "Then you have the larger caravan, where they have documented about 270 criminals part of that caravan, putting women and children on the front line," Schlapp continued. "And we're not going to allow them to come and invade our country."

The [Washington Post](#) [11/9/2018 3:08 PM, Glenn Kessler] reports the following from DHS press secretary Tyler Q. Houlton: "last year 17,000 criminal aliens were apprehended attempting to enter our country illegally. We stand by our previous release that there are a large number of individuals with criminal convictions traveling with the caravan flow. In fact, we have identified an additional 200 criminals in this group since our prior statement."

### **Caravans are 'tip of the iceberg' of a larger and deeply entrenched phenomenon**

[MSN News](#) [11/11/2018 6:47 PM, Sandra Dibble, 55864K] reports that migrants, part of a caravan traveling en route to the United States, sit in the back of a truck to try to hitch a ride, near Sayula de Aleman, Mexico November 11, 2018. The caravans of Central Americans traveling north through Mexico are the "tip of the iceberg" of a huge and unseen flow of migrants at Mexico's southern border from Honduras, Guatemala and El Salvador, a high-ranking appointee in the incoming administration of President-elect Andres Manuel Lopez Obrador said. "The caravans are not the problem," said Tonatiuh Guillen Lopez, who will take over as head of Mexico's National Migration Institute, known as INAMI, when the new administration takes office Dec. 1. "The issue is the movements we do not see; those who are not in the caravan, that is the big issue." President Donald Trump, angered by the thousands of Central Americans making their way in large caravans to the U.S. border, has been pushing Mexico to step up enforcement. Mexico's incoming president has a different approach: to invest in impoverished areas of Central America and southern Mexico so people don't feel forced to leave.

### **In Mexico, mothers of missing migrant children start their own caravan to warn of journey's dangers**

[NBC News](#) [11/11/2018 1:12 PM, Annie Rose Ramos, 3539K] reports the last time Rosa Jimenez spoke to her son Roberto was the morning of May 28, 2013. "Mami, I'm going to cross the border now," he called to tell her. Jimenez, who is from El Salvador, had asked relatives in the United States for much of the \$8,000 she paid a coyote to help her son cross the border from Mexico into Texas. Roberto was being pursued by a local gang in El Salvador that wanted him as a member, and Jimenez hoped he would be safer and have more opportunities in the U.S. Jimenez hasn't heard from Roberto since that phone call more than five years ago.

As thousands of migrants arrived in Mexico City this week, inching their way closer to the U.S. border, Jimenez was part of a smaller caravan crossing Mexico. This caravan has no intention of coming to the U.S. Their purpose is to warn people about the danger of trying to cross the border. They call themselves the Caravan of Mothers of Disappeared Migrants.

### **Record Number of Migrants in Families Were Apprehended at Border Last Month**

[New York Times](#) [11/9/2018 12:17 PM, Ron Nixon] reports that the number of migrants traveling in families who were apprehended at the southwest border surged past 20,000 last month, according to new data released on Friday by the Customs and Border Protection agency. The increase was reported hours after the Trump administration issued a proclamation on new measures to limit the number of people applying for asylum in the United States. The 23,121 people traveling in families who either surrendered or were arrested by Border Patrol agents represent a record over a one-month period. In September, nearly 16,658 people in families were apprehended at the border, prompting the Trump administration to label the increase in migrants an unprecedented crisis and national security threat. Over all, the data shows that Border Patrol agents apprehended 50,975 people last month, the beginning of the 2019 fiscal year. Customs and Border Protection quietly released the new data on its website on Friday evening without comment.

The [Washington Post](#) [11/9/2018 5:42 PM, Nick Miroff, 11653K] reports that the Department of Homeland Security officials did not comment Friday on the October figures. Trump in the past has viewed the numbers as a gauge for the performance of his border security officials

and especially Homeland Security Secretary Kirstjen Nielsen, who is not expected to last much longer in her role. DHS officials blame the surge on what they say is a flood of frivolous asylum claims by Central Americans attempting to avoid deportation by gaming the U.S. immigration system. Trump on Friday issued a presidential proclamation that imposes new restrictions on asylum protections for migrants who cross the border illegally, invoking the same executive authority cited under his travel ban last year.

The [Washington Times](#) [11/9/2018 12:43 PM, Stephen Dinan, 547K, DC] further reports that when families, unaccompanied children and single adults are included, the Border Patrol caught nearly 51,000 illegal immigrants in November — the highest since the worst days of the 2014 Obama illegal immigration surge. Customs and Border Protection says another 9,770 unauthorized migrants showed up demanding entry at the official border crossings. Combined, that amounts to about 2,000 illegal immigrants a day.

The [Washington Times](#) [11/11/2018 6:58 PM, Stephen Dinan, 547K, DC] further reports that three years ago, the Border Patrol agents in what is known as the Yuma Sector in Arizona arrested a total of 425 illegal immigrants for the entire month of November. Last week, they broke that number in just two days, nabbing nearly 450 illegal immigrants on Tuesday and Wednesday — most of them Central American families. Even before the high-profile illegal immigrant caravans reach the U.S. in the coming weeks, the numbers have taken a grim turn, setting records and serving as a major annoyance to the Trump administration, which had promised to turn things around. The latest data show a staggering 23,121 parents and children traveling as families were caught jumping the border in November. That is nearly 40 percent higher than any other month on record, and it's nearly 400 percent more than the number recorded in the same month a year ago.

Reported similarly:

[Washington Post](#) [11/9/2018 2:41 PM, Associated Press]

[Wall Street Journal](#) [11/9/2018 7:19 PM, Alicia A. Caldwell]

[The Hill](#) [11/9/2018 9:12 PM, Chris Mills Rodrigo, 2630K]

[Breitbart](#) [11/10/2018 2:08 PM, Bob Price, 2405K]

[BuzzFeed](#) [11/9/2018 9:29 PM, Hamed Aleaziz, 8149K]

[Washington Times](#) [11/11/2018 7:19 PM, Stephen Dinan, DC]

[Atlanta Journal-Constitution](#) [11/10/2018 7:00 PM, Jamie Dupree, 559K, GA]

### **Every Week, Illegal Border Crossings Dwarf Caravan That's 'Hundreds Of Miles Away'**

[The Daily Caller](#) [11/12/2018 6:22 PM, Will Racke, 909K, DC] reports the caravan is just a small part of a bigger wave of ongoing illegal immigration from Central America that crashes against the southwest border every day. Every week, the number of people arrested crossing the southwest border illegally dwarfs the roughly 4,000 migrants traveling in the caravan. The massive procession of migrants winding through Mexico may be weeks away from the southwest border, but a "caravan"-sized number of people cross into the U.S. illegally every single day. That fact has been overshadowed by coverage of the 4,000-strong caravan and President Donald Trump's reaction to it, particularly his deployment of thousands of active duty troops to three border states. Commentators are quick to note that the caravan is still hundreds of miles from the nearest U.S. port of entry, and its members are unlikely to swarm across the border when it does arrive. The caravan is only a small – if highly publicized – part of a much larger phenomenon that has completely swamped the U.S. asylum system.

### **Democrats are in. Sessions is out. Here's what that means for immigration**

[CNN](#) [11/10/2018 7:13 AM, Catherine E. Shoichet] reports two major developments this week stand to change the conversation when it comes to US immigration policy. Democrats gained control of the House in Tuesday's midterm elections. The next day, President Donald Trump fired Attorney General Jeff Sessions -- a key architect of many of the administration's hard-line policies. Courts have blocked the Trump administration's attempt to end Deferred Action for Childhood Arrivals, the Obama-era program that protected so-called Dreamers from deportation. But advocates stress that's a temporary victory for those young undocumented immigrants who were brought to the United States as children -- especially since the Supreme Court might take up the matter.

### **White House to press tough immigration laws, border wall in Congress's lame duck session**

[McClatchy DC Bureau](#) [11/9/2018 12:28 PM, Franco Ordonez and Andrea Drusch] reports the White House is racing to finish a sweeping new immigration plan focused on enforcement that could be introduced before Democrats take control of the House. It would include funding for the border wall, restrictions on asylum and cuts to legal immigration, according to four people familiar with the plans. But the plan is already receiving pushback from factions within the West Wing who are urging the president to agree to a more moderate plan that would limit cuts to legal immigration and protect young immigrants who came to the United States as children.

This latest enforcement proposal would partially serve as a permanent legislative change to measures Trump took Thursday to confront the caravan of migrants nearing the United States by invoking national security powers used to implement last year's "travel ban" to deny asylum to migrants who enter the country illegally. The two plans are setting up a new battle within the Republican Party between immigration hardliners, led by White House adviser Stephen Miller, who wants to rewrite the U.S. legal immigration system, and more centrist Republicans and business leaders who want to protect the young immigrants, known as Dreamers, and provide greater access to foreign workers.

### **Man's harrowing journey to U.S. underscores immigration shift**

[Washington Post](#) [11/9/2018 11:15 AM, Andrew Selsky] reports that the young man traversed Andean mountains, plains and cities in buses, took a harrowing boat ride in which five fellow migrants drowned, walked through thick jungle for days, and finally reached the U.S.-Mexico border. Then Abdoulaye Camara, from the poor West African country of Mauritania, asked U.S. officials for asylum. Camara's arduous journey highlights how immigration to the United States through its southern border is evolving. Instead of being almost exclusively people from Latin America, the stream of migrants crossing the Mexican border these days includes many who come from the other side of the world. Almost 3,000 citizens of India were apprehended entering the U.S. from Mexico last year. In 2007, only 76 were. The number of Nepalese rose from just four in 2007 to 647 last year. More people from Africa are also seeking to get into the United States, with hundreds having reached Mexican towns across the border from Texas in recent weeks, according to local news reports from both sides of the border.

### **'Don't cry. It's going to be worth it.'**

[Washington Post](#) [11/9/2018 3:13 PM, Maria Sacchetti, 11653K] reports that the day the caravan swept into her hometown, Martha Virginia Aguirre grabbed an armful of leftover



tamales from the Day of the Dead holiday and gave it all to the Central Americans camping out on their street. She was thinking of her immigrant parents in Maryland, her aunts and cousins in California. For years, Aguirre was a "dreamer," an undocumented immigrant in the United States who arrived as a child. Her family moved to Maryland, but college back then was prohibitively expensive for students in the U.S. illegally. In 2011, her parents sent Aguirre and her older brother home to Mexico to finish high school and earn their degrees. Less than a year later, President Barack Obama created the Deferred Action for Childhood Arrivals program that would have let them stay. Since taking office in 2017, President Trump has tried unsuccessfully to end DACA. A federal appeals court ruled Thursday that Trump cannot immediately end the program that shields from deportation young undocumented immigrants who were brought to the country as children.

Aguirre, now 20, has relearned Spanish, finished high school and enrolled in a private college in the city in the state of Veracruz. But she hasn't hugged her parents for seven years – if they leave the U.S. without papers they might not be able to get back in. When she misses her parents, her father gives her pep talks over the phone. "Don't cry," he tells her. "It's going to be worth it." Though Mexican migration is declining, they remain the largest group of immigrants in the U.S., according to the Migration Policy Institute, a Washington research organization.

### **A 'Dreamer' Worries About His Future**

[New York Times](#) [11/11/2018 6:00 PM, Staff, 22322K] reports reading about how documentation once kept people safe in America without being citizens is something that resonates with me. I am a DACA recipient, and under the Trump administration I have become more worried about how my future will play out. I am attending college, trying to prove my value in order to feel that I am worth keeping in America. My institution has a record of having Immigration and Customs Enforcement agents roam on campus, possibly even detaining students. Just last year, Juan Manuel Montes was deported while having DACA status, becoming the first "Dreamer" to be deported under the Trump administration. What stops ICE from detaining me in the middle of a lecture? The fragility of the programs that protect people who aren't recognized as refugees or asylum seekers has been forgotten. The midterm elections' aftermath will decide how much more damage President Trump will be allowed to inflict.

### **Progressives retreat from 'Abolish ICE' priority**

[Washington Times](#) [11/12/2018 4:44 PM, Gabriella Muñoz, 547K, DC] reports that leaders of the Congressional Progressive Caucus said Monday they won't push to abolish U.S. Immigration and Customs Enforcement, the government's deportation agency, putting distance between themselves and some of the demands of most liberal members and activists. Calls to abolish the agency went from a radical fringe to mainstream liberal candidates earlier this year after the Trump administration's botched zero-tolerance border policy left thousands of children separated from parents. While ICE wasn't heavily involved in those decisions, the agency still became the target of violent protests and severe political backlash.

### **ICE director confirmation hearing**

[Politico](#) [11/12/2018 5:31 PM, Ted Hesson, 2709K] reports that the Senate Homeland Security and Governmental Affairs Committee will hold a hearing Thursday over the nomination of Ronald Vitiello to become director of U.S. Immigration and Customs

Enforcement. Vitiello, a long-time Border Patrol official, was named acting ICE director in late June following the retirement of Thomas Homan. The hearing takes place at 10 a.m. in Dirksen 342.

**Trump is preparing to remove Kirstjen Nielsen as Homeland Security secretary, aides say**

[Washington Post](#) [11/12/2018 10:36 PM, Nick Miroff, Josh Dawsey and Philip Rucker, 11653K] reports President Trump has told advisers he has decided to remove Homeland Security Secretary Kirstjen Nielsen, and her departure from the administration is likely to occur in the coming weeks, if not sooner, according to five current and former White House officials. Trump canceled a planned trip with Nielsen this week to visit U.S. troops at the border in South Texas and told aides over the weekend that he wants her out as soon as possible, these officials said. The president has grumbled for months about what he views as Nielsen's lackluster performance on immigration enforcement and is believed to be looking for a replacement who will implement his policy ideas with more alacrity. The announcement could come as soon as this week, three of these officials said. DHS officials who work with Nielsen declined to address her potential departure Monday. "The Secretary is honored to lead the men and women of DHS and is committed to implementing the President's security-focused agenda to protect Americans from all threats and will continue to do so," spokesman Tyler Q. Houlton said in a statement.

Additional reporting:

[Huffington Post](#) [11/13/2018 12:03 AM, Nick Visser, 9094K]

[Breitbart](#) [11/12/2018 11:45 PM, John Binder, 2405K]

[Newsweek](#) [11/13/2018 12:06 AM, Donica Phifer, 1720K]

**Congress returns to familiar threat: Trump's demand for wall money or shutdown**

[Washington Post](#) [11/12/2018 2:52 PM, Mike DeBonis and Erica Werner] reports Congress will return Tuesday facing a familiar threat: President Trump's demand for billions of dollars for his U.S.-Mexico border wall with the risk of a government shutdown if he doesn't get it. The lame-duck session gives the outgoing House Republican majority one final test of governing before Democrats take over in January and leave Trump with a weakened hand in pushing his priorities on Capitol Hill, even though the GOP still has a grip on the Senate. But Republicans determined to deliver for Trump face the in-trac-table issue of immigration as well as Democrats emboldened by the midterm elections, as their expected House majority continues to grow to a dozen seats or more as votes are counted. Senate races in Arizona and Florida remain too close to call. That has Democrats ready to resist the president's demand for border money, now expected to be a minimum of \$5 billion for the fiscal year.

**[NC] Activists remind winning NC sheriff of pledge to end cooperation with ICE**

[World Tribune](#) [11/11/2018 11:12 AM, Staff, 11K] reports immigration activists are pushing the newly-elected sheriff in Wake County, North Carolina to follow through on his vow to end the county's cooperation with Immigration and Customs Enforcement. Gerald Baker, a Democrat who defeated incumbent Republican Donnie Harrison, said Wake County's involvement with the federal 287(g) program will end "As soon as we walk in the door." Wake is one six counties in North Carolina which partner with ICE to transfer to federal custody people who have been arrested and are believed to be in the U.S. illegally. The defeat of Sheriff Irwin Carmichael in Mecklenburg County is also being credited to

organized opposition to his department's cooperation with ICE. The program that has led to more than 1,000 deportations in Wake in less than five years, the Raleigh News & Observer reported. A rally hosted by Familia Si, 287(g) NO, a campaign aimed at ending Wake County's participation in the ICE program was held in downtown Raleigh on Nov. 8. Between 2013 and 2017, the Wake sheriff's office processed nearly 11,000 people through the 287(g) program. Of those, 1,483 people were deported, the News & Observer's report said.

**[TN] Hundreds of recently released Central Americans pass through Memphis bus station, aid group says**

[Memphis Commercial Appeal](#) [11/9/2018 7:58 PM, Micaela Watts and Daniel Connolly, 31K, TN] reports that in Spanish-language interviews, many of the migrants said they are fleeing poverty and gang violence in Guatemala and Honduras. They described arriving recently at the U.S.-Mexico border, spending a few days in immigration detention, then being released and getting help from charities and churches near the detention centers. They're now traveling by Greyhound bus to join friends and relatives throughout the eastern U.S., from Virginia to New York.

The policy, dubbed "catch-and-release" by opponents, stands in sharp contrast to President Trump's highly publicized decision to send the military to stop a caravan of Central Americans trying to make their way to the U.S. In many cases, released migrants wait years for a hearing before an immigration judge. Retired Memphis immigration judge Charles E. Pazar has said asylum seekers must show credible fear of persecution based on at least one of the following: race, religion, nationality, political opinion, or membership in a particular social group.

**[FL] Hillsborough Sheriff's Office spurns ICE agreement but is still holding immigrants for the agency**

[Tampa Bay Times](#) [11/12/2018 5:40 AM, Tony Marrero, 366K, FL] reports that 10 months ago, Hillsborough Sheriff Chad Chronister stood among a dozen or so Florida sheriffs to announce a new arrangement with federal immigration officials to deal with a legal quandary. The new agreement with U.S. Immigration and Customs Enforcement, the sheriffs said, would serve as a workaround for the legally dicey practice of holding suspected undocumented immigrants in the jail for up to 48 hours after the inmates would otherwise be eligible for release on their local charges. The two-day window gives ICE agents more time to arrive at the jail and take immigrants into federal custody for possible violations of civil immigration law. Chronister's agency was to be one of 17 taking part in a pilot program that ICE hoped would spread throughout the state and country. But Chronister would later decide, quietly, not to participate after all. Meantime, though, the Sheriff's Office continues to honor ICE detainer requests, a practice that already has been successfully challenged in court.

Reported similarly: [WTSP-TV](#) [11/12/2018 4:02 PM, Eric Glasser, 43K, FL]

**[MI] Department of Justice grant could clash with Kalamazoo's ICE policy**

[Bay City Times](#) [11/9/2018 6:10 PM, Malachi Barrett, 531K, MI] reports a Department of Justice grant could be the first test of Kalamazoo's will to defy the federal government on illegal immigration. The Kalamazoo City Commission did not act on a scheduled vote Monday, Nov. 5, regarding a \$92,200 grant that prohibits staff from interfering with the

interrogation, arrest and removal of undocumented immigrants. Commissioners discussed whether the requirements violate two resolutions prohibiting city resources from aiding the separation families at the U.S. border and affirming the city is a welcoming community. Similar Department of Justice grants are accepted each year without controversy. This year's agreement includes new stipulations requiring Kalamazoo to comply with immigration enforcement officials. Grant documents presented to the Kalamazoo City Commission in 2015 and 2016 made no reference to undocumented immigrants.

#### **[TX] Group of 93 Migrants Surrender After Illegally Crossing Border into Texas**

[Breitbart](#) [11/12/2018 6:00 PM, Bob Price] reports Border Patrol agents in the Rio Grande Valley Sector apprehended a group of more than 90 migrants who surrendered after illegally crossing into Texas. Rio Grande Valley Sector agents assigned to the Weslaco Station came upon a group of 93 illegal immigrants on November 9 who crossed the border from Mexico. The migrant group consisted of family units and unaccompanied minors, according to Rio Grande Valley Sector Border Patrol officials. Border Patrol officials did not disclose the origin of the migrants. The current trend in this region of the border would indicate they are likely Central American. Officials said they transported the migrants to the Weslaco Station for processing under Rio Grande Valley Sector guidelines. The apprehension of these migrants came on the same day that President Donald Trump signed a proclamation aimed at blocking large numbers from illegally crossing the border to claim asylum. Breitbart News' Neil Munro reported that the new policy proclamation states: The migrants who are caught illegally entering the U.S. will only be allowed to file for a "limited amnesty," Munro reported. The limited amnesty is being called a "withholding of removal." The new process does not provide a pathway to a green card. It also raises the bar for asylum requests from "credible fear" to "reasonable fear" of persecution. In October alone, Border Patrol agents apprehended more than 50,000 migrants who illegally crossed the border between ports of entry. Of those, 23,121 were labeled as Family Unit Aliens while an additional 4,991 were classified as Unaccompanied Alien Children.

#### **[TX] Tour at International Bridge Shows CBP Preparing for Changes in Asylum Processing**

[KRGV](#) [11/9/2018 7:48 PM, Valerie Gonzalez, TX] reports that U.S. Customs and Border Protection continues to prepare at ports of entry for the possible arrival of the migrants caravan. A Channel 5 News crew toured the International Bridge in Hidalgo to see how CBP is preparing. The tour also provided insight into how asylum seekers are processed. "This is not an appropriate place to hold people for a day, two days, overnight for that matter. It was never built or designed for that. So our processing capacity is totally dependent on [ICE's Enforcement and Removal Operations] being able to accept or receive these people as we process them," says CBP director David Higgerson. KRGV's Valerie Gonzalez explains why asylum seekers face lengthy processing. [Editorial note: consult source link for video]

#### **[TX] Migrants seeking asylum moved from ports of entry as temps drop**

[KVIA](#) [11/9/2018 6:29 PM, Julio-Cesar Chavez, 39K, TX] reports that hundreds of asylum seekers waiting on the international bridges are being cleared and moved to a shelter as temperatures drop in the borderland. The Mexican Red Cross delegation in Juarez is helping move 195 asylum seekers from the Paso Del Norte bridge downtown to the Casa Del Migrante, Juarez's main immigrant shelter. A group of Cuban asylum seekers, who said they are fleeing political persecution, said they welcome the move to a shelter. The group said they prefer to keep their two small children warm and safe instead of on the bridge

exposed to the elements and a constant stream of car exhaust. The main concern asylum seekers expressed was having their place in line secured. The Mexican Red Cross has set up a numbered waiting list where people will have their order recorded and be called up to the border to petition as more space is made. The waiting list will be managed by several government agencies and NGOs.

**[TX] Border Security costing Texas billions of dollars**

[KTXS-TV](#) [11/12/2018 11:00 PM, April Molina and Joe Conger, 26K, TX] reports thousands of migrants are headed to the United States/Mexico border, and Texas is bracing for an anticipated surge in asylum seekers. The total number of undocumented immigrants may be unknown, but there is one certainty: it is going to be expensive for local, state, and federal law enforcement agencies. "When we came in the Border Patrol back in the 80's, the Border Patrol was arresting about 1.6 million people a year. The large majority of those were from Mexico. Now, I think the apprehensions are probably in the 500,000 range," said Robert Harris, a former Laredo sector chief for the Border Patrol. The number of Border Patrol drug seizures along the Texas frontier is down in the last three years, and, Border Patrol apprehensions of undocumented immigrants have shrunk in half since the year 2000. Harris said what has changed in the last decade is the makeup of those seeking to cross: with many more women and children seeking citizenship. State, local and federal agencies combine to create a security perimeter along the Mexico and Texas border, with Texas paying for a large portion of the bill. Since 2006, Texas has personally spent \$2.4 billion in taxpayer money on border security. That's before factoring in spending from the National Guard, Border Patrol, Immigration and Customs Enforcement, and other federal entities.

**[TX] They Were Stopped at the Texas Border. Their Nightmare Had Only Just Begun.**

[New York Times](#) [11/12/2018 7:30 AM, Manny Fernandez, 22322K] reports that after crossing the Rio Grande, three immigrant women were picked up by a Border Patrol agent. The Border Patrol agent, she remembers, was calm when he tied her to the tree and put silver duct tape over her mouth. They had hoped to surrender to the Border Patrol and stay in the United States. Instead of taking them in for processing, the agent, Esteban Manzanares, had driven them to an isolated, wooded area 16 miles outside the border city of McAllen, Tex. There he sexually assaulted the friend and viciously attacked her and her mother, twisting their necks, slashing their wrists and leaving them, finally, to bleed in the brush.

The Border Patrol's parent agency, Customs and Border Protection, is the largest law enforcement agency in the country, with nearly twice the staff of the F.B.I. Through the years, a small number of officers have succumbed to temptation and reached for a share of the millions of dollars generated in the smuggling of drugs, weapons and people across the southwest border. Over the past four years, at least 10 people in South Texas have been victims of murder, attempted murder, kidnapping or rape - all, according to prosecutors and officials, at the hands of Border Patrol agents who suddenly and violently snapped.

**[AZ] U.S. troops' arrival prompts unease on both sides of the border in Arizona**

[PRI](#) [11/9/2018 12:30 PM, Jude Joffe-Block] reports when President Donald Trump announced plans to send active duty U.S. troops to the southwestern border, residents of Nogales, Arizona, wondered when and where the troops might show up in their town. More than 5,600 active duty troops are now in place along the border in Texas, Arizona and California, and that number is expected to grow to more than 7,000, according to U.S.



Northern Command, which is responsible for U.S. military activity in the continental U.S. The first sighting of active duty troops in Nogales came on Nov. 6, Election Day. A small group of Army soldiers wearing camouflage showed up right in the heart of Nogales' downtown, next to a pedestrian border and across the street from a bridal store. Soldiers took turns riding a construction lift to install loops of silver concertina razor wire on top of the border fence.

Bruce Bracker, a local county supervisor, is not a fan of the military's project in Nogales. "We have barbed wire going up on top of our fence in the middle of our community," Bracker said as he watched the soldiers work from a sidewalk across the street. Nogales, Arizona, is right across the border from Nogales, Mexico. A lot of people here consider the two towns a single binational community. The community has fought previous attempts to install it. Many on the Arizona side worry razor wire sends the wrong message to Mexican shoppers, who help fuel the local economy.

**[AZ] U.S. officials: Arizona border ports need razor wire to prevent migrant rush**

[Arizona Daily Star](#) [11/10/2018 8:15 PM, Perla Trevizo, 79K, AZ] reports that U.S. troops are topping the border fence with razor wire near ports of entry in Arizona to prevent migrants in caravans from storming in as some did at the Guatemala-Mexico border, officials said Friday. "I think everybody saw what happened on the Mexico-Guatemala border, where Mexico was in fact offering asylum and they still rushed through the border. So we have to prepare for that eventuality," Rodolfo Karisch, commander of the Joint Task Force-West, said during a news conference Friday at the DeConcini Port of Entry in Nogales. Karisch is also chief of the Border Patrol's Tucson Sector. Some migrants in the groups traveling north burst through the Guatemalan border fence and clashed with Mexico riot police trying to keep them from crossing last month, according to news reports.

About 1,500 U.S. troops have been deployed to Southern Arizona to support Customs and Border Protection in Operation Secure Line, in preparation for the potential arrival of large groups of Central Americans making their way slowly through Mexico. Borderwide, about 5,600 troops have been sent and future deployments could exceed 7,000, as part of what was previously called by the Department of Defense Operation Faithful Patriot. As of Thursday, Petra Horne, acting director of field operations, said there were several thousand people in Mexico whom U.S. government officials were monitoring. "CBP will not allow large groups of people to cross the border illegally," she said. "Understand, we are not turning people away, we are taking people as we have the capacity to do so in a safe and secure manner."

**[AZ] Border officials in Arizona warn asylum seekers of arrest for illegal entry**

[AZ Central](#) [11/9/2018 9:22 PM, Rafael Carranza, 669K, AZ] reports that border officials in Arizona, and the military commander for 1,500 active-duty troops deployed to the state, said they are fortifying the border and warned asylum seekers against trying to enter the United States illegally. The warning comes as President Donald Trump issued a proclamation Friday morning that bars any migrant who crosses the U.S.-Mexico border illegally from claiming asylum. Several civil liberties groups immediately filed a lawsuit against Trump's action. Both developments were largely prompted by the hundreds of mostly Central American migrants traveling toward the United States in a caravan. The caravan is in Mexico City, still hundreds of miles from the border. It is heading to Tijuana, following in the footsteps of a smaller caravan earlier this year. "We are not trying to prevent people who

are coming lawfully," said Rodolfo Karisch, the chief patrol agent for Border Patrol's Tucson Sector. Customs and Border Protection officials said those arrested would be prosecuted, but that any potential separation of parents from their children as a result of their arrest would be "on a case-by-case basis."

The warning was directed not just at the families who for months have trekked to the Arizona desert and turned themselves in voluntarily to Border Patrol agents. It also applies to migrants seeking to rush past the ports of entry through passenger car lanes. "This past week, we have had multiple groups trying to run through our vehicular lanes, so that's already happening," said Petra Horne, Customs and Border Protection's acting director of field operations. "We're wanting to get the message out in advance to inform these individuals not to do that."

#### **[OR] Oregon Sues Trump Administration Over Withheld Federal Dollars**

[Oregon Public Broadcasting](#) [11/9/2018 4:16 PM, Conrad Wilson, 54K, OR] reports that Oregon sued the Trump administration Friday over a requirement the state work with immigration authorities if it wants to receive more than \$4 million in federal grants. The U.S. Department of Justice distributes Byrne JAG grants, which are used by jurisdictions across the country to help law enforcement fund new initiatives and fight crime. Last November, the Department of Justice released a list of jurisdictions it says weren't complying with 8 U.S.C. 1373, a federal law that promotes information sharing between local law enforcement and the federal government when it comes to immigration enforcement. The list included both Multnomah County and the state of Oregon. The lawsuit comes days after Oregon voters overwhelmingly rejected a ballot measure that would scrap the state's 31 year-old sanctuary law.

#### **[OR] Kate Brown, Ellen Rosenblum sue Donald Trump over sanctuary status laws**

[Oregonian](#) [11/11/2018 8:25 PM, Gordon R. Friedman, 587K, OR] reports Gov. Kate Brown and Attorney General Ellen Rosenblum have filed suit against President Trump in an attempt to void two federal laws requiring states to aid immigration authorities. The suit, filed Friday in federal court in Eugene, claims those laws violate 10th Amendment, which separates state and federal powers, by demanding states enforce federal immigration regulations. Because it is a sanctuary state, Oregon police officers, sheriff's deputies and state troopers are banned by law from helping U.S. Immigration and Customs Enforcement agents if a suspect's only offense is residing in the country illegally. In practice, that means local police don't help ICE agents with deportation raids. And suspects pegged by ICE for deportation may be released from jail without prior warning or ICE requests to keep defendants in custody may not be honored.

#### **[Mexico] Mexico reshaping approach to Central American migrants as caravans push north**

[San Diego Union-Tribune](#) [11/11/2018 5:00 AM, Sandra Dibble, 291K, CA] reports that the caravans of Central Americans currently traveling northward through Mexico are but the "tip of the iceberg" of a massive and unseen flow of migrants at Mexico's southern border from Honduras, Guatemala and El Salvador, said a high-ranking appointee in the incoming administration of President Andres Manuel Lopez Obrador. "The caravans are not the problem," said Tonatiuh Guillen Lopez, who will take over as head of Mexico's National Migration Institute, known as INAMI, when the new administration takes office on Dec. 1. "The issue is the movements we do not see, those who are not in the caravan, that is the

big issue."

President Donald Trump, angered by the thousands of Central Americans making their way in large caravans to the U.S. border, has been pushing Mexico to step up enforcement efforts. But Mexico's incoming president is championing a different approach: to invest in impoverished areas of Central America and southern Mexico so that people don't feel forced to leave.

### **[Mexico] How Mexico's next president plans to deal with the flow of Central Americans**

[San Diego Union-Tribune](#) [11/11/2018 5:00 AM, Staff, 291K, CA] reports that reporter Sandra Dibble covers the Tijuana-San Diego border. This week, she looks at how Mexico's incoming president, Andres Manuel Lopez Obrador, is approaching the issue of migration from Central America.

## **Legal News**

### **Judge in family separations case: 'We're approaching the end of reunification'**

[CNN](#) [11/9/2018 6:48 PM, Catherine E. Shoichet] reports the reunification process for undocumented immigrant families the US government separated at the southern border is nearly finished, a federal judge said Friday. "It's heading clearly in the right direction and I think we're approaching the end of reunification, and by all accounts, it's moving very successfully," US District Judge Dana Sabraw said in a telephone status hearing more than four months after he had ordered the government to reunite most of the families. The painstaking process – spurred by an American Civil Liberties Union class action lawsuit over family separations – has stretched for months and faced a number of hurdles as members of an ACLU-led steering committee struggled to track down parents who'd been deported without their children. As CNN reported Thursday, 171 children from separated families remain in custody. Only 25 of those kids could still eventually be reunited with their parents. Despite the praise he offered on the case's progress, the judge also mentioned a Department of Homeland Security inspector general's report on family separations, which detailed how poor communication among government agencies made it tougher for officials to reunify separated families.

The [Washington Examiner](#) [11/9/2018 8:45 PM, Vaishnavi Sharma, 567K, DC] reports that the Trump administration had asked for an extension, but was denied its request. On the day of the deadline, the administration announced it had reunited 1,442 of the 2,551 children detained without their parents.

### **Court rules in favor of DACA, denies Trump authority to cancel program for Dreamers**

[Univision](#) [11/9/2018 11:17 AM, Jorge Cancino and Patricia Clarembaux] reports the Ninth Circuit Court of Appeals ruled Thursday that the Trump administration's decision to cancel the Deferred Action for Childhood Arrivals program lacked a proper legal foundation. Publicidad The program was created in 2014 by an executive order signed by president Barack Obama to protect some 700,000 young people from deportation who came to the country before the age of 16, known as 'Dreamers'. A panel of three judges decided to uphold a preliminary injunction in January by a federal court in California which ordered the

government to reinstate the program which was canceled by the then attorney general, Jeff Sessions, in September 2017. In the ruling, the panel concluded that the government's decision was "arbitrary, capricious and not in accordance with the law." Thursday's ruling comes three days after the Department of Homeland Security (DHS) asked the Supreme Court to review the program without taking into account legal actions in the hands of lower courts and one day after the firing of Sessions, one of the main opponents of the program. Thursday's ruling means that the program can remain in force, but does not allow for new applications to be received.

[Al Dia](#) [11/9/2018 3:08 PM, Staff] reports a U.S. federal appeals court rebuffed the administration of President Donald Trump on Thursday by keeping in force the Deferred Action for Childhood Arrivals (DACA) program, which protects undocumented immigrant youth from deportation. The ruling by a panel of the 9th U.S. Circuit Court of Appeals, based in San Francisco, represents a blow to the administration, which had appealed against an injunction blocking Trump from ending DACA. "We conclude that plaintiffs are likely to succeed on their claim that the rescission of DACA -- at least as justified on this record -- is arbitrary, capricious, or otherwise not in accordance with law," the panel ruled. Launched in 2012 by then-President Barack Obama, DACA has benefited some 690,000 people. Trump announced in September 2017 that he planned to end DACA, but a federal district court issued an injunction in January 2018 ordering the government to continue accepting applications for the program until the case is resolved. The administration then appealed to the Supreme Court to rule on the matter, but the nine justices returned the case to the 9th Circuit.

### **Humanitarian Visas Targeted In USCIS Deportation Policy**

[Law 360](#) [11/9/2018 5:09 PM, Suzanne Monyak] reports victims of domestic abuse, human trafficking and other crimes could soon be thrown into deportation proceedings immediately upon the denial of their visa petitions, U.S. Citizenship and Immigration Services said on Thursday. According to the agency, beginning Nov. 19, individuals petitioning for humanitarian immigration benefits will be issued a notice to appear, which initiates removal proceedings, when that petition is denied. These visa petitions subject to the new policy — rolled out in a June memo as part of the President Donald Trump's call for tougher enforcement of immigration laws — include applications for T visas for trafficking victims and U visas for crime victims, as well as petitions for special immigration status, such as Violence Against Women Act self-petitions for domestic abuse victims and Special Immigrant Juvenile Status petitions for neglected children. The policy would also affect petitions for relatives of refugees and certain other qualifying family members, according to USCIS.

### **[VT] Groups plan to file 'major' federal immigration lawsuit in Vermont**

[VT Digger](#) [11/12/2018 7:31 PM, Alan J. Keays, 18K, VT] reports several civil and immigrant rights organization says they will be filing a "major" federal immigration lawsuit Wednesday in federal court in Vermont. Details of the filing were not immediately available late Monday afternoon. A press conference has been set for Wednesday outside the federal court in Burlington after the lawsuit is filed. Six organizations are listed in a media advisory sent out Monday as taking part in that press event. Actions by the Trump administration since taking office two years ago regarding immigration have prompted strong rebukes from civil and immigration rights groups in Vermont. Those actions have ranged from reducing the number of refugees allowed into the country each year to Border Patrol agents questioning

Greyhound bus and Amtrak passengers about their citizenship. Earlier this year American Civil Liberties Union affiliates in Vermont, New Hampshire and Maine filed a lawsuit seeking information about immigration enforcement in the three states, which all share borders with Canada. ACLU requested documents from the Department of Homeland Security and two of its arms, U.S. Customs and Border Protection and Immigration and Customs Enforcement in September.

**[NJ] State targets 28 'notarios' they say are preying on immigrants with legal issues**  
[Warren Reporter](#) [11/9/2018 1:59 PM, Kevin Shea, 854K, NJ] reports that in Latin countries, "notarios" are lawyers who can provide legal services to clients. In this country, though, notaries, or notary publics, cannot. They're not lawyers, and can only witness the signing of documents. But across New Jersey, some people or storefront shops that use that word "notario," mainly in urban areas, are fraudulently offering immigration and legal services. They prey on the immigrant community and Spanish-speaking customers, who believe they're being represented by a lawyer of someone with special knowledge of immigration procedure, state authorities alleged Friday. Some of the businesses were charging \$1,500 or more for immigration services that, by law, can only be provided by licensed lawyers or representatives accredited by the U.S. Department of Justice and working for DOJ-recognized organizations, the state's Division of Consumer Affairs said in a statement. The division has identified 28 of these businesses or individuals, and are going after them with violations and fines.

[Law 360](#) [11/9/2018 3:08 PM, Bill Wichert] reports more than two dozen tax preparers, travel agencies and other businesses in New Jersey have been slammed with notices of violation seeking more than \$300,000 in civil penalties over claims they defrauded consumers by offering immigration assistance services they were not authorized to provide, authorities said Friday. The state Division of Consumer Affairs issued those notices against 28 businesses following a monthlong undercover operation in which investigators visited companies that were believed to be selling immigration services they could not legally offer, authorities said. The notices seek a total of \$326,000 in civil penalties, authorities said. Some of the businesses that received the notices were charging customers fees of more than \$1,500 to render immigration services, authorities said. Those services, however, only may be provided by lawyers or representatives who are accredited by the U.S. Department of Justice and working for DOJ-recognized organizations, which typically charge a nominal fee or offer their services at no charge, authorities said. In an effort to deter so-called notario fraud, division investigators targeted businesses where a notary public takes advantage of Spanish-speaking customers who believe the individual is an attorney or someone with expertise in immigration law and procedure, authorities said.

[North Jersey.com](#) [11/9/2018 9:15 PM, Steph Solis, 63K, NJ] reports that this operation is part of the state's effort to curb so-called "notario" fraud, a practice in which a notary public takes advantage of Spanish-speaking customers who believe they are consulting with an attorney or immigration expert.

**[TX] Advocacy group: ICE tried to deceive detained woman trying to protect child**  
[Austin American-Statesman](#) [11/12/2018 6:32 PM, Claire Osborn, 134K, TX] reports Immigration and Customs Enforcement officials have retaliated against a woman seeking to be released from detention in Taylor to prevent her daughter from being abused, according to a news release from Grassroots Leadership, an immigrants rights advocacy group. ICE



officials told El Salvadoran asylum seeker Melvin Griselda Cruz-Lopez on Thursday that no appeal was filed in her case and that she should sign her own deportation papers, the Grassroots Leadership release said. Her attorney, Kate Lincoln-Goldfinch, however, filed an asylum appeal on her behalf to the Board of Immigration Appeals last week, the release said. When Cruz-Lopez refused to sign the deportation papers, ICE officials "stated she would go crazy spending six more months there, like the other women do," the release said. Cruz-Lopez has been held at the T. Don Hutto Detention Center in Taylor for more than a year. She was separated from her 5-year-old daughter Samantha, who is a U.S. citizen, when Cruz-Lopez's abusive ex-partner called immigration. "Instead of releasing this mother who is desperate to protect her U.S. citizen child, ICE has decided to deceive and intimidate her," said Sofia Casini, an immigration organizer at Grassroots Leadership said in a statement in the release. ICE has the power to release Griselda and must do immediately," Casini said. Cruz-Lopez lived in the United States for more than 10 years before being detained, the release said.

#### **[ID] Legal Advocate Fills Gaps In Immigration Court Representation**

[Boise State Public Radio](#) [11/12/2018 6:17 PM, Richard Copeland, 3K, ID] reports that only 25% of Idaho defendants facing deportation proceedings do so with legal counsel. Attorney Maria Andrade recognized this disparity and established Immigration Justice Idaho to provide free and accessible legal aid for people facing charges of immigration violations. President Donald Trump's executive order on immigration enforcement in January has put a spotlight on Immigration and Customs Enforcement, better known as ICE. But according to acting Idaho U.S. Attorney Rafael Gonzalez, President Trump's executive order has not changed how his office handles immigration cases. [Editorial note: consult source link for audio]

#### **[CA] New federal judges offer partial relief to Southern California courts strained by 'zero tolerance'**

[San Diego Union-Tribune](#) [11/12/2018 5:00 AM, Kristina Davis, 291K, CA] reports that the San Diego federal court, operating short-handed while its caseload has skyrocketed under the Trump administration's "zero-tolerance" immigration policy, is finally getting some relief. The Southern District of California has two new magistrate judges, both from the defense bar: longtime private practitioner Michael Berg and veteran public defender Linda Lopez. Lopez was sworn in late last month, and Berg on Monday. But the relief is only partial, with many more judicial vacancies left unfilled and a caseload that doesn't not appear to be letting up anytime soon. The court has been under immense pressure to handle the ballooning number of cases.

#### **[CA] Deportation without representation**

[VOX](#) [11/9/2018 8:00 AM, Jillian Weinberger, Amy Drozdowska, Sarah Kliff and Byrd Pinkerton, 3169K, DC] reports that you hear it in every cop show, in every crime drama: "You have the right to an attorney." It's true. Anyone arrested on a criminal charge in the United States has the right to an attorney, even for an infraction as small as shoplifting, when you're only facing a small fine or a few months in county jail. No matter the punishment, or the crime, you're guaranteed a lawyer, even if you're not a citizen. But if you're arrested and brought to immigration court, that's a whole other story. The stakes are really high; you're facing deportation, often to some of the most violent countries in the world. Deportation can be a death sentence. And you are on your own. Enter Oakland, California. While the federal government is trying to deport as many immigrants as possible,

Oakland is running a policy experiment to help immigrants stay in their communities. The city is giving as many immigrants as possible attorneys in court, free of charge. [Editorial note: consult source link for audio]

## Enforcement News

### **ICE has record number of people in custody: report**

[The Hill](#) [11/12/2018 12:53 PM, Owen Daugherty, 2630K] reports Immigration and Customs Enforcement is currently holding more detainees than ever before, according to statistics reviewed by The Daily Beast. The Beast reported Sunday that ICE has an average daily population of 44,631 people in custody. That number is 4,000 higher than the totals for which Congress has allotted funding. "It is incredibly important that ICE explain how they're paying for nearly 4,000 more beds. In September, when I discovered that ICE had been reprogramming FEMA dollars to pay for immigrant detention centers, I wasn't given the information from the administration. I wasn't given the information as a member of the Senate appropriations committee," Sen. Jeff Merkley (D-Ore.) said.

The [Daily Beast](#) [11/11/2018 8:00 PM, Spencer Ackerman, 2272K, NY] reports earlier this year, when facing a similar shortfall, the Department of Homeland Security, ICE's parent organization, quietly moved nearly \$100 million dollars out of other areas of its budget, including the Federal Emergency Management Agency, prompting an outcry from a prominent senator. That senator, Oregon Democrat Jeff Merkley, told The Daily Beast it was unsurprising that the Trump administration was "exceeding historic high water marks of detainees to pursue their ideologically driven policy agenda." But Merkley, a member of the powerful Senate appropriations committee, demanded ICE account for how it had somehow found the money – something it and the Department of Homeland Security would not do in response to The Daily Beast's questions. ICE recently reported to Congress that, as of October 20, its average daily population in detention had reached 44,631 people. That's 2,500 people more than the most recent detentions statistic ICE told The Daily Beast it had: 42,105 people locked up as of September 15.

ICE's two most recent submissions to Congress justifying its budgets show a vast upward trend in its detention operations. In March, that surge prompted the congressional appropriations committees to give ICE \$7.1 billion, its highest budget ever, including \$4.1 billion for immigrant removal and detention operations, some \$401 million over the previous year. From October 1, 2017 through that March, House appropriators noted, ICE "exceeded its annualized rate of funding for Custody Operations," according to the Congressional Record. Democrats on the House appropriations committee noted that the funding level required "ICE to reduce the number of detention beds in use between now and the end of FY 2018." An ICE spokesperson, Danielle Bennett, acknowledged that Congress funded ICE for 40,520 average daily detainees this year, "though ICE does have the flexibility to go above that number." Neither Bennett nor DHS answered The Daily Beast's repeated questions about where the money for thousands more detentions every day came from.

Additional reporting:

[CNN](#) [11/12/2018 10:02 PM, Geneva Sands, 25865K]

[Axios](#) [11/12/2018 1:24 AM, Stef W. Kight]

[ThinkProgress](#) [11/12/2018 10:23 AM, Joshua Eaton, 480K]

[The Week Magazine](#) [11/12/2018 10:21 AM, Bonnie Kristian, 377K, NY]

### **How Much It Costs ICE To House Immigrants In Detention Centers**

[International Business Times](#) [11/12/2018 1:24 AM, Vaishnavi Vaidyanathan] reports that the recent statistics from Immigration and Customs Enforcement (ICE) showed that the number of detainees at the agency's various detention centers has hit a record high of 44,631 people. According to The Daily Beast, this increase has prompted the rights groups to question how the controversial agency obtained the money to place 4,000 more people into custody than Congress has funded. When ICE faced fund shortfall earlier this year, the Department of Homeland Security quietly moved nearly \$100 million out of other areas of its budget, including the Federal Emergency Management Agency.

The decision resulted in an uproar from Oregon Democrat Jeff Merkley who said it was unsurprising that President Donald Trump's administration was "exceeding historic high water marks of detainees to pursue their ideologically driven policy agenda." He also demanded ICE account for how it had somehow found the money. Danielle Bennett, ICE spokesperson, acknowledged that Congress funded ICE for 40,520 average daily detainees this year "though ICE does have the flexibility to go above that number." "Ensuring there are sufficient beds available to meet the current demand for detention space is crucial to the success of ICE's mission. Accordingly, the agency is continually reviewing its detention requirements and exploring options that will afford ICE the operational flexibility needed to house the full range of detainees in the agency's custody," Bennett added.

### **With or without criminal records, some immigrants spend many years in detention**

[Los Angeles Times](#) [11/12/2018 12:00 AM, Andrea Castillo] reports that nationally and in California, the majority of the more than 44,000 detained immigrants have no criminal convictions, according to TRAC data. ICE spokeswoman Lori Haley said no category of immigrants is exempt from enforcement. She said ICE also analyzed its detainee population in June and found that 54% of detainees had a criminal conviction – or pending charges, and that 70% were subject to mandatory detention. "These figures reflect appropriate allocation of limited resources," she said. People who are subject to mandatory detention are not entitled to a bond hearing and must stay in detention while they are in removal proceedings. Haley said federal law mandates the detention of people who arrive at ports of entry, are subject to expedited removal and are convicted of certain crimes. Immigrant rights groups say ICE has the discretion to release anyone.

The majority of detainees had been in ICE custody only for a few months when the numbers were released to TRAC. But the varying detention cases illustrate the complicated nature of immigration law – a patchwork of legislation put together over the years and modified by administrations, policymakers and case law, said Judge Ashley Tabaddor, who leads the National Assn. of Immigration Judges. The Department of Homeland Security, which oversees ICE, also has "a lot of leeway and discretion, particularly at the outset, in terms of determining someone's detention status," she said.

### **The Trump admin sent him 'home' to a land where slavery lives on**

[NBC News](#) [11/11/2018 7:00 AM, Lisa Riordan Seville, Adiel Kaplan and Dan De Luce, 3539K] reports that for nearly five months, the 37-year-old Issa Sao had been moved from one detention center to another, hoping the United States would not send him back to a country that had jailed, tortured and expelled him. Late on the night of Oct. 15, Sao's lawyer, Julie Nemecek, got his panicked call. "His exact words were something like, 'Oh my God, they are taking us tonight! They are putting us on the charter!'" she recalled.

The administration has redirected hundreds of millions of dollars and shifted diplomatic priorities in its effort to increase removals to countries, most in Africa and Asia, that have previously dragged their feet or refused to accept deportees the U.S. wants to send back. There are an estimated fewer than 120,000 people with deportation orders from the 59 countries ICE has recently labeled "uncooperative" or "at risk of non-compliance" with deportations, according to an NBC News analysis of federal data from 2003 through 2017 kept by Syracuse University. When the Trump administration took office, former senior advisor Stephen Miller led an effort to zero in on deporting people from nations on ICE's list of recalcitrant countries, including failed asylum-seekers who had lived in the U.S. with deportation orders for years, two former and one current U.S. official told NBC News.

### **7-Eleven's Alleged Collaboration on ICE Raids Is a Cautionary Tale**

[Intelligencer](#) [11/12/2018 2:32 PM, Sarah Jones, NY] reports that 7-Eleven franchisees believe the corporation is using U.S. Immigration and Customs Enforcement to target critics, Bloomberg Businessweek reported on Monday. As the corporation's CEO, Joe DePinto, tightens his grip on franchises — demanding, in Businessweek's words, "more inventory, more money, more adherence in matters large and small" — the company has chosen draconian methods to discipline franchisees who step out of line: As detailed in a series of lawsuits and court cases, the company has plotted for much of DePinto's tenure to purge certain underperformers and troublemakers. It's targeted store owners and spent millions on an investigative force to go after them. The corporate investigators have used tactics including tailing franchisees in unmarked vehicles, planting hidden cameras and listening devices, and deploying a surveillance van disguised as a plumber's truck. The company has also given the names of franchisees to the government, which in some cases has led immigration authorities to inspect their stores, according to three officials with Homeland Security Investigations, which like ICE is under the jurisdiction of the Department of Homeland Security.

In January, the New York Times reported that ICE agents raided 98 7-Elevens in 17 states and arrested 21 workers in what appeared to be a coordinated assault. At the time, ICE described the raids as a "follow-up" to a 2013 investigation that put nine franchisees and managers in prison for hiring undocumented workers. Businessweek's new report adds more dimension to a grim picture. 7-Eleven told the magazine that it had "no advance knowledge" of the raids, but reporters say they documented at least four raids on franchisees who'd openly criticized DePinto's practices. One, Gurtarn Sandhu, had participated in two lawsuits against the corporation.

### **Report: DEA, ICE Are Stocking Up on Hidden Streetlight Cams**

[Gizmodo](#) [11/10/2018 7:50 PM, Tom McKay] reports that the Drug Enforcement Administration (DEA) and Immigration and Customs Enforcement (ICE) have put an "undisclosed number of covert surveillance cameras inside streetlights" across the country, according to federal procurement documents obtained by Quartz. It's unclear how many cameras the agencies purchased or where, exactly, the "video recording and reproducing equipment" has been placed. But the documents obtained by Quartz show the DEA paid a company called Cowboy Streetlight Concealments LLC about \$22,000 since June 2018, while ICE made payments of \$28,000 over the same time period. ICE offices in Dallas, Houston, and San Antonio provided funding for the cameras, while the orders by the DEA were paid for out of an Office of Investigative Technology office in Virginia.

An ICE public affairs official told the Daily Dot, "The contracts indicate that HSI regional offices in Houston and San Antonio have purchased video recording and photography equipment to be used during the course of criminal investigations. The targeted use of surveillance equipment used during investigations into drug trafficking, human smuggling, human trafficking, and other illicit activities is consistent with other federal law enforcement agencies, including the FBI and Bureau of Alcohol, Tobacco, Firearms, and Explosives."

Reported similarly:

[Quartz](#) [11/9/2018 2:08 PM, Justin Rohrlich and Dave Gershgorin]

[Houston Chronicle](#) [11/12/2018 1:30 PM, Marcy de Luna, 3350K, TX]

### **Suspect in 3 slayings faced ICE issue in New Jersey**

[Washington Post](#) [11/9/2018 4:55 PM, David Porter and Heather Hollingsworth] reports that a man charged with killing three people in Missouri this month should have faced deportation proceedings after he was arrested last year for a separate offense in New Jersey, instead of being released, federal immigration officials said Friday. Twenty-three-year-old Luis Perez, who is from Mexico, is charged with fatally shooting two men and wounding two others Nov. 1 and then fatally shooting a woman the next day. He is jailed without bond on 11 felonies, including first-degree murder and assault. U.S. Immigration and Customs Enforcement officials said they placed a detainer on Perez in December after he was jailed in Middlesex County, New Jersey, on multiple felonies, including assault. But Perez was released in February.

"Had ICE's detainer request in December 2017 been honored by Middlesex County Jail, Luis Rodrigo Perez would have been placed in deportation proceedings and likely sent home to his country – and three innocent people might be alive today," said Corey Price, ICE's acting executive associate director. The Perez case is a microcosm of the tug of war being waged nationally between federal immigration authorities and local communities that have limited cooperation with ICE. ICE has railed against so-called "sanctuary cities" and policies it says compromise public safety; immigrant advocates argue the agency targets suspects who have been charged but not yet found guilty, depriving them of the right to contest the charges.

[FOX News](#) [11/11/2018 1:28 AM, Louis Casiano, 10787K] reports that "it is past time that localities realize the perils of dangerous sanctuary policies and resume their primary goal of protecting their residents," Price added. "Yet again, an ICE detainer was ignored and a dangerous criminal alien was released to the streets and is now charged with killing three people."

The [Springfield News-Leader](#) [11/9/2018 4:00 PM, Giacomo Bologna, 20K, MO] reports that a spokesman for ICE, Shawn Neudauer, said Perez was arrested in Middlesex County on suspicion of multiple felonies, including assault, aggravated assault and child abuse. Neudauer said Perez was convicted on Jan. 29 of violating a judicial order and was released from jail three days later. Neudauer said Perez had previously been a recipient of the Deferred Action for Child Arrivals program, or DACA, in 2012 and 2014.

[Independent Journal Review](#) [11/10/2018 1:15 PM, Sam Dorman, 91K, VA] reports that according to ICE, this wasn't the first time the organization had a problem with Middlesex County. "We have tried unsuccessfully to work with Middlesex County Jail in the interest of



public safety to accept detainers and to contact ICE prior to releasing criminals," John Tsoukaris, the field office director of ERO Newark, said. "There have been other cases where ICE detainers were not honored and those released went on to commit serious crimes. In this most recent case, Perez had a violent history, but despite that, the detainer was not honored. We hope that this tragic turn of events forces Middlesex to reconsider its policy and that the local elected officials stop protecting criminal aliens."

Reported similarly:

[Breitbart](#) [11/11/2018 6:22 PM, Katherine Rodriguez, 2405K]

[Epoch Times](#) [11/11/2018 11:22 AM, Jack Phillips, 206K]

[Townhall](#) [11/11/2018 1:17 PM, Timothy Meads, 348K]

[Daily Wire](#) [11/12/2018 6:23 PM, Staff]

[The Daily Caller](#) [11/9/2018 4:14 PM, Will Racke, DC]

[Washington Times](#) [11/9/2018 3:08 PM, Stephen Dinan, DC]

[KPRC](#) [11/11/2018 10:14 AM, Ken Webster Jr., 5K, TX]

#### **[MA] Man who drove into crowd in 1998, killing one, is paroled**

[Salem Evening News](#) [11/12/2018 6:00 PM, Julie Manganis, 16K, MA] reports 20 years after deliberately plowing into a crowd outside a Peabody bar, killing a man and leaving a woman with lifelong disabilities, Gerson Chavez has been granted parole. In a unanimous decision released last month, the Parole Board voted to release Chavez, 44, also known as Eremilson Barbosa, to the custody of Immigration and Customs Enforcement for deportation to Brazil.

#### **[NY] Immigrant with LI family detained by ICE after stop for broken headlight**

[Newsday](#) [11/12/2018 6:52 PM, Sandra Peddie and Victor Manuel Ramos, 306K, NY] reports Felipe Iñiguez was driving home after a day of work in May in Lloyd Harbor installing custom-made kitchen islands when village police stopped and ticketed him for having a burned-out headlight, according to a police report. Iñiguez replaced the bulb and turned in the ticket the same day to his local precinct, where it was canceled. He said he was told the matter was resolved and not to worry about it. A little more than three months later, on Aug. 29, Iñiguez's life as he knew it would come to an end because of that burned-out headlight. That day, as he was headed to work around 7 a.m., an unmarked vehicle intercepted him, and several men jumped out and ordered him from his van. They were agents of the U.S. Immigration and Customs Enforcement agency, known commonly as ICE. When he asked why they were arresting him, they told him Lloyd Harbor police had called the agency, the Ecuadorian immigrant said in an interview at the Orange County Correctional Facility in Goshen, where he has been detained since then as he tries to fight a 17-year-old deportation order. ICE spokeswoman Rachael Yong Yow said the agency was enforcing a judge's order in the case stemming from his illicit crossing of the border from Canada into Niagara Falls in 2001. Iñiguez "was entered in removal proceedings by the former Immigration and Naturalization Service," said Yong Yow, who is with her agency's New York field office. "An immigration judge issued him an order of removal July 18, 2001, but he failed to leave the country as required by law."

#### **[NY] ICE Places Deportation Detainer On Hackensack Cook Charged With Sexual Contact With Teen**

[Daily Voice](#) [11/9/2018 11:08 AM, Jerry DeMarco, 5K, NY] reports federal authorities placed a detainer on a Mexican cook living in Hackensack who was charged with having sexual

contact with an underage teenager. Felix Ortega-Antonio, 32, will remain in the Bergen County Jail until his case is completed or U.S. Immigration and Customs Enforcement takes custody of him for a deportation hearing. Ortega-Antonio is charged with lesser-degree counts of criminal sexual contact and child endangerment involving a youngster between 13 and 16, Acting Bergen County Prosecutor Dennis Calo said.

**[NY] ICE detains man months after traffic stop; wife fights for reunion**

[News 12 Long Island](#) [11/12/2018 3:54 PM, Staff, 6K, NY] reports a Central Islip woman is fighting for a reunion with her husband who was taken into custody by U.S. Immigration and Customs Enforcement. Felipe Iniguez, a 49-year-old living in the U.S. illegally for 17 years, was taken into custody months after he was pulled over for a broken headlight while driving in Lloyd Harbor. Iniguez's wife, Yeny, is a naturalized U.S. citizen. Iniguez was already going through the process of himself becoming a citizen. Yeny Iniguez says her husband pays taxes, has no criminal history and was coming home from work when he was pulled over in May. Three months later, he was nabbed by ICE agents outside his Central Islip home. Lloyd Harbor Police Chief Thomas Krumpter says Iniguez had a standing deportation order, which is what caused them to notify ICE. He says the department does not "actively help ICE in detaining illegal immigrants." [Editorial note: consult source link for video]

**[MD] Torn Apart: How a deportation ripped apart a Frederick family**

[Frederick News-Post](#) [11/10/2018 9:30 PM, Wyatt Massey, 29K, MD] reports it is 3 o'clock in the morning and Marisol Escoto is pacing around her kitchen, frantic. In June, Marisol Escoto's husband Maynor was on his way to work when, just blocks from their Frederick home, he was stopped and detained by Immigration and Customs Enforcement. He was held in the detention center in Frederick County for months. In September, Maynor was deported to Honduras, forced to return to the country he fled for his life more than a decade ago. Maynor's deportation has disrupted the family's entire livelihood — for Marisol, a beloved friend and partner no longer by her side; for a young child, a father no longer to play with every night; and for the family, bills that for years were covered by two incomes now strain a single paycheck. Maynor first arrived in the United States in April 2005. Less than a month before, he had been playing soccer near his home in Puerto Cortes, Honduras, when he saw three men get out of a gray Mitsubishi car. They shot another man in the street. The men saw Maynor and began chasing him. Fearing for his life, Maynor went into hiding, then fled to the United States. The Honduran government is unable to control gangs in the country, like MS-13, which number in the tens of thousands and kill with impunity. Not long after crossing the U.S. border, Maynor was stopped by federal agents. He was given a court date in October, which he skipped, fearing his case for protection would be denied. He did not know about applying for asylum. In his absence, the court in Harlingen, Texas, ordered him deported.

**[VA] Woman who is charged in crash that killed Henrico woman might have fled the U.S., prosecutor says**

[Richmond Times Dispatch](#) [11/8/2018 6:12 PM, Sean Gorman, 134K, VA] reports a woman from El Salvador charged with involuntary manslaughter in connection with a crash that killed a Henrico County woman might have fled the U.S. to avoid prosecution. Osmaira E. Mendez-Urdaneta was charged following the Aug. 16 wreck in which her vehicle went off the road and struck 59-year-old Beverly Page Bourgeois as she was doing yard work along North Parham Road near Tucker High School.

The day after the crash, authorities filed charges of reckless driving and driving without a license against Mendez-Urdaneta, 48, of Henrico. Bourgeois, who was taken to the hospital following the crash, died two weeks later, on Aug. 30, according to police. Mendez-Urdaneta was scheduled to attend an Oct. 25 court hearing in Henrico General District Court on the reckless driving charge. Rob Cerullo, a Powhatan County prosecutor who is prosecuting the case, said Thursday he had been planning to withdraw the misdemeanor reckless driving count at that hearing because he was weighing bringing a more serious charge. Mendez-Urdaneta didn't show up to court. Authorities later obtained a warrant to arrest Mendez-Urdaneta on an involuntary manslaughter charge but so far they've been unable to serve it on the defendant. ICE records show that a woman who has the same date of birth as Mendez-Urdaneta and has used another name has been illegally living in the U.S. and was ordered by an immigration judge back in 2001 to depart from the U.S.

**[NC] She fled from a man she feared would kill her. She hoped for asylum in Charlotte.**

[Charlotte Observer](#) [11/9/2018 7:25 PM, Cristina Bolling, 314K, NC] reports that the abuse was always worse when he drank, Paula says, and it didn't stop – not when she moved with her five kids, not when she begged her husband to end the death threats. She filled out police reports and filed a court petition in the small town in Honduras where she had fled to get away from him. Terrified, Paula sold her small home in the country's coastal region and packed up her three oldest children, whose father, she says, had been murdered years earlier by a robber. She ended up in Charlotte, one of the most difficult cities in the United States for asylum seekers. In 2015, when she arrived, Charlotte already had one of the country's toughest immigration courts to petition for asylum: The year before, the city's immigration judges had granted just 16 percent of asylum requests – less than a third of the national rate of 49 percent. In June of this year, Paula's prospects sank lower. A Department of Justice decision had allowed a victim of domestic violence – a woman from El Salvador who said her husband had raped and brutally beaten her for years – to seek asylum as a member of a "particular social group." Then-Attorney General Jeff Sessions overruled that decision, using a Charlotte immigration court case. His ruling declared that "private violence" such as domestic abuse would no longer be grounds for asylum.

**[NC] 'I'm not even a danger to society': Nonviolent DACA recipients face deportation after arrest**

[Daily Tar Heel](#) [11/12/2018 6:00 PM, Charlie McGee, NC] reports after two days of back-and-forth messaging a girl he matched with on Tinder, Oswaldo Lopez met up with her the night of May 3. Around a half hour past midnight, Raleigh police officers approached the two making out in Lopez's car in the lot of a park minutes away from his home. Wake County parks close after sunset. The situation descended into nearly five months of state and federal detention for Lopez, a 20-year-old recipient of the Deferred Action for Childhood Arrivals program. His detention cost him around \$15,000 and his first semester at Wake Technical Community College, threatening him with deportation from the country he's lived in since he was 18 months old. U.S. Immigration and Customs Enforcement identified Lopez through a system of databases that gives ICE near-universal jurisdiction over law enforcement agencies in the country. Although the girl's Tinder profile and messages to Lopez indicated she was 20 years old, she was actually 15. Since 2016, Tinder has not allowed minors on its platform. Lopez, who was 19 at the time, received a felony charge (indecent liberties with a child) and faced the potential of over three years in prison. The felony charge had already put Lopez on ICE's radar.

A database system that spawned in March 2008 under a program called Secure Communities records the fingerprint of every person arrested by a law enforcement agency in the U.S., notifying ICE of the individual's immigration status. ICE can then issue a detainer, a notice requesting for the person to be held in custody beyond when they would normally be released, giving ICE time for pickup. Bryan Cox, ICE spokesperson, said deportation arrests are made only after an agent considers both criminal record and other circumstances case-by-case. Lopez didn't realize the fragility of his DACA status, which offers temporary deportation protection for immigrants brought illegally to the U.S. as children. Marty Rosenbluth, Lopez' immigration attorney, said the trials shouldn't have been held in the first place, and that they contradicted the rules set by DACA because Lopez had not committed a serious crime. A Stewart Immigration Court judge ordered Lopez' removal from the country on Aug. 17, a decision Rosenbluth appealed. That appeal is currently pending. "If the Board of Immigration Appeals goes against him, which I highly doubt, my guess is we're going to take it to the 4th (U.S. Circuit Court of Appeals)," Rosenbluth said. "Only because of the legal significance of the case, that they shouldn't be putting DACA kids into deportation for bullshit like this."

**[TN] Trump Administration To Deport Journalist, SPLC Says It Could Happen Within Month**

[The Daily Caller](#) [11/12/2018 12:05 PM, Joe Simonson, 909K, DC] reports that the Southern Poverty Law Center says a Memphis-based journalist could be deported within the month, following a failed appeal to an immigration court. Manuel Duran, who was arrested by police in April for allegedly refusing to leave the area during a protest, was detained by Immigration and Customs Enforcement because of his illegal immigrant status. Duran was denied an appeal by the Board of Immigration Appeals in October following an earlier deportation order by a different immigration judge. According to the SPLC, Duran's deportation is "scheduled ... in the coming weeks." Yet Duran and the SPLC claim his scheduled deportation is because of his previous criticisms toward local law enforcement and say "his arrest and detention were an effort to suppress his reporting, and that they violate his First Amendment rights of freedom of speech and the press." Duran is now hoping for a review of the Board of Immigration Appeals at the 11th Circuit of Appeals.

**[TN] Most Wanted: Previously deported man faces burglary, assault charges in Wilson County**

[WKRN](#) [11/12/2018 9:05 PM, Josh Breslow, 47K, TN] reports a man previously deported from the country is being sought again by immigration officials and the Wilson County Sheriff's Office. Charges against Alex Depaz include aggravated burglary, aggravated assault, and domestic assault. On October 25, Immigration and Customs Enforcement, known as ICE, asked for help from the Wilson County Sheriff's Office in the search for Depaz who authorities said had fled during a foot chase at Smyrna Ready Mix in Murfreesboro.

**[GA] Man charged in fatal canal crash facing federal charges for illegal re-entry to U.S.**

[Augusta Chronicle](#) [11/9/2018 11:41 AM, Jozsef Papp, 14K, GA] reports that a man who was charged and released after a fatal crash into the Augusta Canal has been indicted on federal charges of illegally entering the U.S. prior to the crash, the U.S. Department of Justice Southern District of Georgia announced Friday. Eduardo Gonzalez-Frias, 29, was

indicted Friday, charged with illegal re-entry after removal/deportation and taken into custody by Immigration and Customs Enforcement after being released from the Richmond County Detention Center, according to a Justice Department news release. Gonzalez-Frias was initially charged with vehicular homicide, driving under the influence and other charges in May 2017 after his vehicle struck a guardrail on Interstate 20 and flipped into the canal. Michael Botello, 20, of Augusta, was found dead inside the submerged vehicle.

Reported similarly: [All On Georgia](#) [11/12/2018 6:00 AM, Jeremy Spencer, 3K, GA]

**[MO] Seaboard pays \$1M to end ICE investigation**

[Kansas City Business Journal](#) [11/12/2018 9:06 AM, Brian Kaberline, 992K, MO] reports that Seaboard Corp. agreed to pay \$1 million to resolve an investigation by U.S. Immigration and Customs Enforcement. The Merriam-based company said it would pay \$1,006,000 to end an investigation by ICE related to I-9 paperwork errors and hiring and employment practices at its pork production plant in Guymon, Okla. The settlement also covers an investigation by the Oklahoma Medicaid program. In a release, Seaboard said it cooperated fully with the government in the matter and denies all allegations of wrongdoing. The company said the investigation began more than six years ago.

**[MO] Openly gay Saudi native, living in Kansas City, finally granted asylum in U.S.**

[FOX 4 WDAF](#) [11/12/2018 10:34 PM, Zac Summers, 55K, MO] reports after years of petitioning the U.S. government that his life was in danger, an openly gay man from Saudi Arabia was recently granted asylum in the United States. Saudi Arabia is considered one of the worst countries in the world for LGBT people. Homosexuality can be punishable by death in the Middle Eastern country. Wajeeh Lion, an alias used to protect his real identity, began seeking asylum in the U.S. nearly five years ago after he was outed as being gay.

**[AR] Attempted murder charges filed in police chase**

[Arkansas Democrat Gazette](#) [11/13/2018 4:00 AM, Staff, 47K, AR] reports a man accused of shooting at police officers during a car chase Sunday is being held in lieu of \$500,000 bond. Luis Cobos-Cenobio, 29, of 1337 Shannon St. faces four charges of attempted capital murder and one charge each of fleeing, terroristic act, possession of a controlled substance and possession of drug paraphernalia. U.S. Immigration and Customs Enforcement placed a hold on Cobos-Cenobio.

**[MI] Ann Arbor says deportation of man in sanctuary would be death sentence**

[Michigan Live](#) [11/9/2018 11:08 AM, Ryan Stanton, 531K, MI] reports that Ann Arbor is taking a stand against the federally ordered deportation of a local man, saying it would be a death sentence if he's sent back to West Africa. The City Council voted 10-0 Thursday night, Nov. 8, to approve a resolution asking the Detroit office of U.S. Immigration and Customs Enforcement, or any other capable official, to issue a stay of deportation to allow Mohamed Soumah to stay here and continue receiving medical treatment for a genetic kidney disease. The 44-year-old Guinean immigrant recently took sanctuary at Ann Arbor Friends Meeting House to avoid deportation after a social worker called the Quaker church to share Soumah's situation.

Soumah was admitted to the U.S. into 2002, according to an ICE spokesperson, and "violated the terms of his admission by remaining in the U.S. beyond his authorized term." In 2011, an immigration judge ordered him removed, but he was placed on supervision



because the agency was "unable to obtain a travel document from his home country," the spokesperson said. He is now considered a "fugitive." "In an exercise of discretion, ICE had previously allowed Mr. Soumah to remain free while arrangements were being made for his departure from the U.S.," ICE said in a statement. "Mr. Soumah failed to report as instructed for his removal and is now considered a fugitive alien." ICE declined to comment on the City Council's passage of the resolution in support of Soumah.

**[TX] Murderer Deported to Mexico Last Month Recaptured in Texas**

[Breitbart](#) [11/11/2018 4:24 PM, Bob Price, 2405K] reports Laredo Sector Border Patrol agents apprehended a previously deported murderer who illegally re-entered the U.S. about one month following his deportation. Agents assigned to the Laredo Sector conducted an extensive search for a suspected illegal alien who absconded from arrest on November 10. Early Sunday morning, agents found the suspect near the Interstate 35 mile marker 31 location and took him into custody. A check of the Mexican man's records in the U.S. revealed a June 2009 conviction in Austin, Texas, for murder. A court in Travis County convicted the man on the murder charge and sentenced him to 11 years in a Texas prison. U.S. Immigration and Customs Enforcement Enforcement and Removal Operations officers deported the man back to his home country of Mexico on October 5, 2018. Five days later, Border Patrol agents found him back in Texas.

[Editorial note: consult source link for audio]

**[TX] Authorities discover 18 immigrants, 150 rounds of ammunition in east Laredo stash house**

[Laredo Morning Times](#) [11/12/2018 9:47 AM, JeriLynn Thorpe, 32K, TX] reports that over 100 rounds of ammunition and 18 undocumented immigrants were found in a stash house in east Laredo on Thursday, according to Border Patrol. The agency said they made the discovery with assistance from a Laredo police officer at a residence off of U.S. Highway 59. Upon entry, authorities found 16 individuals being held in the home, all of whom were determined to be in the U.S. illegally. Further investigation revealed that the owner of the home and his live-in girlfriend were also undocumented immigrants, the agency said. A shotgun and 150 rounds of assorted ammunition were also discovered inside the house. All subjects were taken into custody for processing, including the two stash house operators. The individuals were determined to be from the countries of Mexico, Guatemala, Honduras and Columbia, the agency said. The weapon and ammunition were seized by the Laredo Sector Border Patrol.

**[NE] 21 of 22 arrested in Homeland Security investigation are released**

[NTV ABC](#) [11/9/2018 1:46 PM, Staff, 10K, NE] reports that after 22 people were taken into custody as part of a Homeland Security Investigation on Thursday, 21 of those have since been released. Officials with U.S. Immigration and Customs Enforcement said those 21 people were charged with administrative immigration violations and were released from custody. They said one person remained in custody due to a prior criminal conviction. HSI worked with the Lancaster County Sheriff's Office on Thursday to conduct a law enforcement operation in multiple locations in Lincoln as part of an ongoing criminal investigation. Preliminary information indicates the individuals originate from the following three countries: Mexico (19), Honduras (2) and Guatemala (1). One woman (from Mexico) was included in these arrests, and 21 men.

**[NE] Nearly two dozen people detained in HSI operation**

[KFAB-AM](#) [11/9/2018 11:37 AM, Staff, NE] reports that nearly two dozen people were detained by immigration for violations in Lincoln yesterday. A Homeland Security Investigations operation took place at the Mexican restaurant Mazatlan, which was then closed afterward. The Department of Homeland Security statement indicated the arrests were not related to an ongoing criminal investigation and that the arrested individuals were likely to be released. [Editorial note: consult source link for audio]

**[NE] State Latino group condemns Thursday ICE raid at Mexican restaurants in Lincoln**

[KMTV](#) [11/9/2018 6:41 PM, Staff, 10K, NE] reports a day after 22 were arrested at three Mexican restaurants on immigration violation charges, the Nebraska Latino American Commission issued a statement condemning the raid. According to our content partners KLKN in Lincoln, 22 people were arrested at three restaurants as part of an ongoing criminal investigation conducted by Homeland Security and local law enforcement. Of those arrested, 19 were from Mexico; two from Honduras; and one was from Guatemala. Most were expected to be charged and released; those with criminal histories would be subject to further detention. In their statement, the Commission condemned the raid and similar efforts, saying such tactics "bring no protection and safety to our community, are extremely expensive and only satisfy the pleasure of anti-immigration fanatics."

**[OK] Okla. Pork Co. Pays \$1M To End ICE Employment Probe**

[Law360](#) [11/9/2018 6:48 PM, Suzanne Monyak] reports an Oklahoma agribusiness agreed on Thursday to fork over more than \$1 million to U.S. Immigration and Customs Enforcement and the Oklahoma Attorney General's Office to resolve claims that the company's pork production plant hired unauthorized immigrant workers. According to ICE, Seaboard Corp. agreed in a civil settlement to pay \$750,000 to ICE and \$256,000 to the Oklahoma AG's office, ending a yearlong investigation by ICE's Homeland Security Investigations and other agencies into the company's employment practices. As part of the settlement, Seaboard and its subsidiaries did not admit any wrongdoing, and according to ICE, the company cooperated during the investigation and implemented compliance measures.

**[AZ] Border Patrol arrests 449 migrants in western Arizona**

[U.S. News & World Report](#) [11/9/2018 2:47 PM, Anita Snow] reports that the U.S. Border Patrol said Friday it arrested 449 migrants this week during a 48-hour period in western Arizona, including two large groups of Central Americans. The latest arrests near Yuma come as a caravan of several thousand Central American migrants slowly makes its way north, prompting President Trump to decry their efforts to reach the U.S. border. The Border Patrol's Yuma Station reported that its agents apprehended 82 people from Guatemala and El Salvador traveling as families just before midnight Tuesday after an agency camera operator saw them scaling a wall east of the San Luis Port of Entry south of Yuma. They ranged in age from 2 to 48 years.

On Wednesday about four hours later, agents surprised 83 migrants crossing the border through a hole they dug underneath the same wall a short distance away. Those people from Guatemala and El Salvador ranged in age from 2 to 40. A Border Patrol camera captured images of some coming under the wall on the U.S. side. "We don't usually see them cross in large groups like this," said Border Patrol Agent Jose J. Garibay III. "You'll

usually just see them in groups of 12 or 15 or just five, but we're not used to seeing these large coordinated efforts."

[Breitbart](#) [11/10/2018 11:09 AM, Bob Price, 2405K] reports the migrants exploited weaknesses in older technology to cross over and burrow under the existing barrier. A Yuma Station camera operator observed a large group of 82 illegal aliens crossing from Mexico into the U.S. by climbing over the legacy "landing mat border wall" east of the San Luis Port of Entry, officials stated. During October, the first month of the new fiscal year, Yuma Sector agents witnessed a 198 percent increase in the number of Family Unit Aliens apprehended in the sector. In addition to the families, the Yuma Sector also reported a 36 percent increase in the apprehension of Unaccompanied Alien Children.

Reported similarly:

[Tucson Sentinel](#) [11/9/2018 9:21 AM, Paul Ingram, 4K, AZ]

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Wednesday, Nov. 14, 2018**

## **Executive Office for Immigration Review**

Trump's New Executive Order Restricts Asylum at U.S.-Mexico Border .....	2
Donald Trump's Caravan Asylum Reforms Get Court Hearing Nov. 19 .....	2
Previewing DOJ's defense in ACLU's asylum policy challenge .....	3
Sessions' Immigration Actions Set Durable Precedent .....	3
What Joe Giudice Filing an Appeal Means for His Deportation Case .....	4

## **Policy and Legislative News**

The migrant caravan has arrived. Here's what you need to know. ....	4
LGBT asylum seekers are first to reach the U.S. border from the caravan. Now they wait. ....	5
The U.S. Is Making It Harder To Cross The Border At Tijuana .....	5
Mattis says he'll visit U.S.-Mexico border .....	6
Gallup: Five Million Central Americans Want to Join Caravans to the U.S. ....	6
Migrant Border Apprehensions at Highest Level Since Trump's Election ..	7

Caravan to travel 1,700 miles to witness border problems .....	7
--	---

A Week After the Midterms, Trump Seems to Forget the Caravan .....	7
--	---

Trump's attack on asylum is based entirely on false claims .....	7
--	---

Trump Considers Staff Shake-Up in White House and Homeland Security ...	8
---	---

Democratic House Sparks Hope for Immigration Action .....	8
---	---

2020 politics make an immigration deal unlikely in lame-duck .....	9
--	---

[NJ] In weeks, NJ to set 'sanctuary' rules limiting cooperation with ICE .....	9
--	---

[TX] Trump's cruelty isn't deterring immigrants – they told me in ICE custody .....	9
---	---

[TX] OGA staff tour ICE facility in Texas .....	10
---	----

[CA] 'Sanctuary State' Update: County Handed 1,143 to ICE in 2017 .....	10
---	----

## **Legal News**

9th Circ. Denies Right-To-Counsel Bid By Immigrant Minors .....	10
---	----

[TN] Spanish-language reporter faces deportation from U.S. ....	11
---	----

[FL] ICE Officer Cut From Citizen's Detention Row.....	12	Number Of People Detained By ICE Is Now At A Record High .....	15
[KS] Lawrence scientist facing deportation says immigration debate should seek middle ground .....	12	Illegal alien charged with triple murder was a 'dreamer' .....	15
[OH] Immigration law clinic steps up to meet growing need .....	12	7-Eleven may be outing its undocumented workers to ICE .....	16
[MI] Church-dwelling immigrant's fugitive status 'bogus,' lawyer argues .	13	[MA] Accused rapist eyed by ICE .....	17
[SD] South Dakota group providing legal support to immigrant children.....	14	[CT] Supporters of Father Facing Deportation Rally for Family to Reunite for Holidays.....	17
[ID] Idaho Has A New Resource For People With Cases In Immigration Court .....	14	[NY] More immigrant detainees keep coming to Albany County Jail.....	17
[CA] Lawsuit seeks release of refugee minor held at Yolo County's juvenile hall .....	14	[KY] Father to be deported learns child has tumor .....	17
[CA] Many San Diego Inmates Agree to ICE Interviews Despite Law Allowing Them to Decline .....	15	[SC] DUI suspect driving 100+ in North Charleston jumped median, hit truck head-on, police say .....	18
<b>Enforcement News</b>		[GA] Man accused of dismembering 77-year-old man on ICE hold at Clayton County Jail .....	18
National Exit Poll Shows Continued Public Support for Immigration Enforcement .....	15	[CA] DREAMer: ICE Used an Elaborate Ruse to Arrest Me.....	18

## Executive Office for Immigration Review

### Trump's New Executive Order Restricts Asylum at U.S.-Mexico Border

[WNYC Studios](#) [11/13/2018 9:00 PM, Staff, NY] reports the Trump administration instituted a new policy change, effective on Saturday, that changes asylum requests in the U.S. The Trump Administration has now determined that asylum seekers can only request asylum at U.S. ports of entry. Prior to this change, if migrants crossed the border into the U.S. illegally, they could request asylum from immigration officials. Now, only those who present themselves at ports of entry can request asylum. If they enter the U.S. between ports of entry, they will not be allowed to. This is just another move by the Trump Administration to limit asylum requests. Earlier this year, the White House announced that those fleeing domestic and gang violence are now ineligible to request asylum. And last year, the administration ended an Obama-era program that would allow children from the Northern Triangle to request asylum from their countries, prior to coming to the U.S. so they could avoid the perilous journey through Mexico.

### Donald Trump's Caravan Asylum Reforms Get Court Hearing Nov. 19

[Breitbart](#) [11/13/2018 11:23 PM, Neil Munro, 2405K] reports the lawsuit by pro-migration, pro-caravan groups against President Donald Trump's border policy will get a hearing on



November 19 in a San Francisco courtroom. The judge is expected to freeze Trump's pro-American reform and allow the growing number of caravans and asylum-seeking economic migrants to ask for asylum, get released, take jobs and force down average wages for blue-collar Americans. It allows migrants who arrive at the ports of entry to apply for full asylum. The policy penalizes illegal migrants by preventing them from applying for a full asylum once they are caught sneaking over the border. Illegal migrants are still allowed to apply for a limited asylum, dubbed "withholding of removal." That policy prevents illegals from using the asylum system to get released to find jobs, it eases their deportation and pressures them to go home without earning enough money to pay off their smuggling debts to the cartels.

### **Previewing DOJ's defense in ACLU's asylum policy challenge**

[Reuters](#) [11/13/2018 3:19 PM, Alison Frankel, 4724K] reports there's an intriguing paragraph in the ACLU's motion for a temporary restraining order to block the Trump administration from executing new restrictions on migrants seeking asylum by crossing the Mexican border. Inserted at the request of government lawyers, it provides a broad hint at how the Justice Department intends to squelch the ACLU's case. As you probably know, the ACLU and other groups, representing four California organizations that assist asylum seekers, sued the president and members of his administration in federal court in San Francisco last week. The complaint contends that the new restrictions on migrants seeking asylum violate the Immigration and Naturalization Act and that the government breached the Administrative Procedure Act when it bypassed notice and comment procedures. In an accompanying memo backing its TRO motion, the asylum assistance organizations argue that both human lives and bedrock constitutional principles are at risk in the case. The ACLU notified the Justice Department's Office of Immigration Litigation about the suit and the TRO motion. DOJ, in turn, requested that the plaintiffs add a paragraph to the motion that proposes a Thursday deadline for the government to respond and a hearing date next week. DOJ said, according to the government statement included in the ACLU's TRO motion, that was plenty of time considering that "the injuries alleged here are not injuries to individual aliens, but asserted organizational injuries." Moreover, DOJ said, Congress has specified that "an alien actually subject to a new expedited removal procedure" must sue in the District of Columbia. That DOJ statement is a pretty good clue to the arguments DOJ is going to assert to block the TRO. It will argue that the case belongs in federal court in Washington, D.C., not in California. More intriguingly, it will argue that migrants impacted by the new policy should be the ones suing to block it, not organizations that assist asylum seekers.

### **Sessions' Immigration Actions Set Durable Precedent**

[Law360](#) [11/13/2018 9:40 PM, Nicole Narea] reports though Jeff Sessions stepped down from his post as U.S. attorney general last week, the effects of his decisions upending Board of Immigration Appeals precedents and placing direct pressure on immigration judges to process cases more quickly will long outlast his tenure, attorneys said. Last Wednesday, Sessions announced his resignation at the request of President Donald Trump, who then installed Sessions' chief of staff Matthew Whitaker as acting attorney general. Immigration attorneys said that, over his time in office, Sessions used his discretionary powers to effect massive changes to the asylum process and the immigration courts, while hemming in immigration judges who he saw as overstepping their authority. Referring BIA cases to himself for review, he unilaterally changed who can petition for asylum, narrowed the tools available to immigration judges to grant relief and directed some

350,000 previously closed immigration cases to go back on court dockets. He also directed immigration judges to process cases quickly and pushed to hire more judges to combat the nationwide court backlog, which grew to more than 1 million cases during his time in office. In his time in office, Sessions instructed immigration judges to resolve cases quickly and implemented a new case quota system by which they would be evaluated. Those developments, coupled with the BIA decisions restricting the discretion of immigration judges, has led to a renewed push to make immigration courts independent of the DOJ, attorneys said. In April, the DOJ's Executive Office of Immigration Review informed immigration judges that, starting in October, it would begin considering the quantity of cases they process in their performance evaluations as a means of expediting proceedings. Immigration judges must now complete 700 cases annually and remand fewer than 15 percent of cases in order to satisfactorily meet their job expectations, according to an agency memo.

Additional reporting: [Heritage Foundation](#) [11/13/2018 8:00 PM, Hans A. von Spakovsky]

### **What Joe Giudice Filing an Appeal Means for His Deportation Case**

[The Cheat Sheet](#) [11/13/2018 9:53 AM, Nicole Weaver, 472K] reports that The Real Housewives of New Jersey couple are still fighting to stay in the United States despite Joe Giudice being ordered to be deported to Italy. Giudice filed an appeal so he's fighting the judgment. The father of four had a month to file an appeal on the decision to deport him. Giudice has now filed that appeal at immigration court to avoid being deported to Italy, according to People. "The appeal has been filed and we are optimistic that Joe will return home to his family where he belongs," his attorney James Leonard told People. A spokesperson from the U.S. Department of Justice confirmed to Entertainment Tonight that they got an appeal for his case filed. "Executive Office for Immigration Review records show that its appellate component, the Board of Immigration Appeals, received an appeal Nov. 9, 2018, pertaining to Giuseppe Giudice's Oct. 10, 2018, removal order," said the spokesperson. This appeal means the removal order could be overturned. However, it could also mean the order will be upheld.

## **Policy and Legislative News**

### **The migrant caravan has arrived. Here's what you need to know.**

[USA Today](#) [11/13/2018 3:55 PM, Alan Gomez] reports the first wave of the migrant caravan that President Donald Trump has been warning about arrived at the southern border Tuesday, setting the stage for what Trump views as a potentially dangerous confrontation but what the migrants view as their chance to apply for asylum. Riding on nine buses, with a Honduran flag flying out the window of one of them, the group arrived in Tijuana after a month-long journey that saw them traverse multiple countries while enduring oppressive heat, torrential rains and exhausting days-long walks. Trump obsessed over the caravan in the month leading up to the midterm elections, warning voters at rallies about an "invasion," tweeting about it dozens of times, deploying more than 5,000 active-duty military troops and signing a presidential proclamation to suspend asylum for some caravan members – a move that's already been challenged in federal court. The president has gone silent about the caravan since Election Day, issuing zero tweets about it and signing his asylum proclamation without any news photographers present, as is usually the case when he announces new policies. Despite his recent silence, Trump's moves have created a tense situation along the southern border, with troops lining ports of entry with miles of

concertina wire, Customs and Border Protection officers closing incoming traffic lanes and migrants left wondering whether they'll get their chance to plead their case before U.S. officials.

[USA Today](#) [11/13/2018 7:08 PM, David Agren, 7165K] further reports the roughly 350 migrants who reached the border were part of smaller splinter groups who grew impatient with the caravan's progress, preferring to forego the security of traveling in numbers to more quickly file their asylum claims in the United States, according to local authorities and migrant advocates. An estimated 5,000 migrants spent Monday night in the central Mexican city of Guadalajara, before enduring another round of frustration during their attempts to move farther north on Tuesday. More than 2,000 more have received temporary visas to stay in the country.

[Breitbart](#) [11/13/2018 7:37 PM, John Binder, 2405K] reports that video footage released by various Mexican news agencies show the first group of migrants with a caravan of 7,000 to 10,000 Central Americans have arrived at the United States-Mexico border. In live video footage by Televisa Tijuana Oficial and Frontera, Central American migrants reportedly with the caravan can be seen scaling a border fence that separates Tijuana, Mexico, and San Diego, California. [Editorial note: consult source link for video]

### **LGBT asylum seekers are first to reach the U.S. border from the caravan. Now they wait.**

[Washington Post](#) [11/13/2018 5:21 PM, Sarah Kinosian and Joshua Partlow, 11653K] reports the front line of what President Trump calls a migrant "invasion" has arrived at the U.S. border -- dozens of lesbian, gay and transsexual asylum seekers from Central America. The group has taken up shelter in a rented home in Tijuana, where they played Ariana Grande's music Monday night as they sorted through donated clothes, drank strawberry-banana juice and discussed how the asylum process might play out. Small groups have split off from the main Central American caravan moving north through Mexico, and they are made up of people fleeing an array of dangers and difficulties: Guatemalans leaving behind poverty, Hondurans escaping gang violence, Nicaraguans running from a harsh political crackdown. The groups have also become a refuge for those persecuted because of their sexual orientation. As the first migrants trickle into Tijuana, U.S. border authorities say they are "hardening" this crossing into San Diego "In preparation for the migrant caravan and the potential safety and security risk that it could cause." U.S. Customs and Border Protection said in a statement that it is closing four lanes at the San Ysidro and Otay Mesa border crossings -- some of the most heavily traveled ports of entry along the U.S.-Mexico border.

Additional reporting: [WJCT](#) [11/13/2018 8:07 PM, Vanessa Romo, 5K]

### **The U.S. Is Making It Harder To Cross The Border At Tijuana**

[BuzzFeed](#) [11/13/2018 6:16 PM, Hamed Aleaziz and Adolfo Flores, 8149K] reports border officials have shut down multiple lanes of traffic at the crossing between Tijuana and San Diego -- one of the busiest in the world -- as troops install wires, barriers, barricades, and fencing. Tuesday's actions are in anticipation of a caravan of migrants coming to the port and "the potential safety and security risk that it could cause," according to a statement released by US Customs and Border Protection. It's the latest mission for the thousands of troops the Trump administration has deployed to the border as a result of the incoming

migrant caravan. As the thousands of Central Americans have approached, the White House has ordered a number of policy shifts that advocates and experts characterize as legally questionable, ineffective, and frenzied. Starting Tuesday, military personnel will help "harden" the California border crossings of Otay Mesa and San Ysidro and the areas between, officials said. Three of the 17 lanes of traffic at San Ysidro will be shut down, while one of the dozen lanes at Otay Mesa will be closed as troops and border agents make the preparations.

[The Daily Caller](#) [11/13/2018 10:44 AM, Nick Givas, 909K, DC] reports that Border Patrol sector chief Manuel Padilla Jr. explained how U.S. soldiers are bolstering immigration enforcement at the southern border on "Fox & Friends" Tuesday. Padilla Jr. said soldiers have helped harden the ports of entry and set up "impediments" to make it harder for potential illegal immigrants to breach the border. "The soldiers have done a lot of work already," Padilla Jr. said. "Primarily, we've been at this for about two weeks. We have phased out the planning, if you will. Right now, I can tell you ... that we have hardened the points of entry, ready to – actually – ready to close them down if need be. And we've also placed some impediments and obstacles between the ports of entry ... So again, what we are shooting for is an orderly situation. We will not tolerate the crowds, the type of chaos that you saw in southern Mexico. That is not going to happen," he added. Padilla Jr. said those who show up unannounced to the border illegally will not be permitted entry into the United States. "Those that are seeking asylum will be able to apply for asylum at the ports of entry. That's a designated place in an orderly fashion," he continued.

Additional reporting:

[Laredo Morning Times](#) [11/13/2018 8:17 AM, César Rodriguez, 32K, TX]

### **Mattis says he'll visit U.S.-Mexico border**

[Chicago Sun-Times](#) [11/13/2018 3:24 PM, Staff, 214K, IL] reports Defense Secretary Jim Mattis says he plans to visit the U.S.-Mexico border, where troops are helping erect barriers and performing other tasks in support of border security. Mattis gave no details in a brief comment to reporters Tuesday. About 5,800 active duty troops are assigned to the border mission. Of those, about 1,000 are on or near the border in south Texas. President Donald Trump ordered troops to the border in response to a caravan of migrants slowly making its way through Mexico toward the U.S. In earlier comments, Mattis said the military's mission on the border has not changed "at this time," even though the lead migrant caravan is no longer headed toward south Texas. The caravan is now in western Mexico, with most of the migrants appearing to be headed toward Tijuana.

### **Gallup: Five Million Central Americans Want to Join Caravans to the U.S.**

[Breitbart](#) [11/13/2018 4:58 PM, Neil Munro, 2405K] reports five million poor Central Americans want to migrate into the United States' communities and workplaces, according to a report by Gallup. The caravans of economic migrants moving northwards to the U.S. border "actually represent a relatively small fragment of a much larger group of people in their own region – and around the world – who say they would like to move to the U.S. if they could," said Gallup. The five million number is one-in-three adults in Central America, the survey firm said. The estimate was posted by Gallup as President Donald Trump's lawyers try to fend off lawsuits against his November plan to curb the growing use of asylum claims by economic migrants from Central America, including the migrants who are part of the caravans heading to the U.S. border.

Additional reporting:

[Newsweek](#) [11/13/2018 6:48 AM, Trebor Healey, 1720K]

### **Migrant Border Apprehensions at Highest Level Since Trump's Election**

[Breitbart](#) [11/13/2018 9:53 AM, Bob Price, 2405K] reports that the apprehension of migrants between ports of entry in October hit its highest level since the election of President Donald Trump. In October 2018 alone, Border Patrol agents apprehended nearly 51,000 illegal immigrants. The Southwest Border Migration Report issued by U.S. Customs and Border Protection last week revealed that Border Patrol agents in the nine sectors that make up the U.S.-Mexico Border apprehended 50,975 migrants who illegally crossed the border between ports of entry. This represents the highest number since the previous record set in November 2016, the month U.S. voters elected President Trump.

### **Caravan to travel 1,700 miles to witness border problems**

[Michigan Public Radio](#) [11/13/2018 7:50 AM, Tracy Samilton, 24K, MI] reports that this week, a group of faith leaders is taking a caravan of protestors 1,700 miles from Ann Arbor to the Tornillo detention center in Texas. That's where the federal government is holding hundreds of unaccompanied minors who crossed the border, many of them illegally. The caravan's main purpose is to call attention to increasingly long detentions there for children as young as 13. But along the way, the caravan is highlighting other examples of what activists call a broken immigration system.

### **A Week After the Midterms, Trump Seems to Forget the Caravan**

[New York Times](#) [11/14/2018 1:40 AM, Maggie Haberman and Mark Landler, 22322K] reports for weeks before the midterm elections, President Trump warned ominously about the threat from a caravan of migrants streaming from Central America toward Mexico's border with the United States. It was a fearsome mix of criminals and "unknown Middle Easterners," Mr. Trump claimed darkly, one that constituted a genuine national emergency. Since the election last week, Mr. Trump has tweeted about the caravan exactly once – to issue a proclamation preventing those who cross the border illegally from applying for asylum in the United States. While the caravan has faded from television screens, the costs of Mr. Trump's response to it have not. Nearly 6,000 active-duty troops remain deployed from the Gulf Coast to Southern California, where they are putting up tents and stringing concertina wire to face a ragtag band that is still not near the border.

Additional reporting:

[Huffington Post](#) [11/13/2018 2:51 PM, Jonathan Lemire and Catherine Lucey]

[Intelligencer](#) [11/13/2018 6:38 PM, Zak Cheney-Rice, 1331K, NY]

### **Trump's attack on asylum is based entirely on false claims**

[Washington Post](#) [11/13/2018 3:27 PM, Lindsay M. Harris and Dree K. Collopy] reports that President Trump's recent action to limit asylum claims at the U.S.-Mexico border is just his latest attempt to scare Americans about asylum seekers, undercutting long-standing principles of decency and humanity. And like most of what Trump says about immigrants, the rationale the administration is using to keep out asylum seekers is based on myths and deliberate obfuscations. Trump may not like it, but seeking asylum from persecution is a core human right. This right was recognized by the world and enshrined in Article 14 of the Universal Declaration of Human Rights. It has also been recognized by the United States



and enshrined in our own domestic laws. Specifically, anyone "who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival ...), irrespective of [their] status, may apply for asylum." The Trump administration's order will curtail this fundamental right and inevitably prompt strong legal challenges and protracted, resource-intensive litigation in our courts.

Additional reporting: [The Atlantic](#) [11/13/2018 8:00 PM, Sabrineh Ardalan]

### **Trump Considers Staff Shake-Up in White House and Homeland Security**

[New York Times](#) [11/13/2018 2:27 PM, Maggie Haberman and Ron Nixon, 22322K] reports that the Trump family is working to leave a mark on personnel decisions after a bruising midterm election cycle, as President Trump moves toward major shuffles of his Cabinet and his West Wing staff, several people familiar with the discussions said on Tuesday. President Trump is almost certain to fire Kirstjen Nielsen, the secretary of homeland security who has long been a target of the president's displeasure, three people close to the president said.

The [Washington Post](#) [11/14/2018 3:00 AM, Staff] President Trump told advisors he wants to remove Kirstjen Nielsen as Homeland Security secretary, after his growing frustrations over her performance on immigration enforcement. [Editorial note: consult source link for video]

[Politico](#) [11/13/2018 3:33 PM, Gabby Orr and Ted Hesson, 2709K] reports President Donald Trump is considering Thomas Homan, former acting director of U.S. Immigration and Customs Enforcement, to succeed Homeland Security Secretary Kirstjen Nielsen, three people familiar with the process told POLITICO. Homan's name has surfaced amid a flurry of media reports that Nielsen could be asked to resign before the end of the month. Tapping Homan to run the Department of Homeland Security would almost certainly energize Trump's base. The tough-talking lawman once recommended charging so-called sanctuary city politicians "with crimes" and has pugnaciously defended even Trump's most controversial immigration moves, including separating children from their parents at the border. "Trump wants John Wayne on the border and Tom Homan is John Wayne," said a former Homeland Security official, who cited Homan's frequent, and often fiery appearances on cable news as a part of his resume that Trump would especially like. Homan joins a list of possible new DHS chiefs that has been growing in recent days as rumors swirled that Nielsen is on her way out.

Reported similarly:

[Government Executive](#) [11/13/2018 6:50 PM, David A. Graham, 33K]

[Newsweek](#) [11/13/2018 9:20 AM, Chantal Da Silva]

[U.S. News & World Report](#) [11/13/2018 6:02 PM, Colleen Long and Zeke Miller]

[Raw Story](#) [11/13/2018 4:20 PM, Bob Brigham, 689K, DC]

[VOX](#) [11/13/2018 12:50 PM, Dara Lind, 3169K, DC]

### **Democratic House Sparks Hope for Immigration Action**

[Bloomberg](#) [11/13/2018 12:00 AM, Laura D. Francis, 67K] reports that Democrats' control of the House starting in January could provide the impetus for immigration legislation.

Protecting young, undocumented immigrants from deportation is likely to be high on the list with a now-increased potential for weigh-in by the U.S. Supreme Court. There also could be

areas of bipartisanship that lead to a broader bill or set of bills. They include border security, the agricultural workforce, and the E-Verify electronic employment verification system.

### **2020 politics make an immigration deal unlikely in lame-duck**

[The Hill](#) [11/14/2018 6:00 AM, Alexander Bolton] reports immigration was a good issue for Senate Republicans in the midterm elections, but Democrats see it as a winner for them in 2020 and have little desire to negotiate on the issue in the lame-duck session or next year. The offer that Senate Democratic Leader Charles Schumer (N.Y.) proffered at the start of this year — full funding for the border wall in exchange for reauthorization of the Deferred Action for Childhood Arrivals (DACA) program, which protects immigrants who came to the country illegally as children — is no longer on the table. Democrats say they are content to take the issue into 2020, when Democratic voters are projected to turn out in larger numbers and two pivotal Senate races will be fought in states with large Hispanic populations: Arizona and Colorado.

### **[NJ] In weeks, NJ to set 'sanctuary' rules limiting cooperation with ICE**

[New Jersey 101.5](#) [11/13/2018 10:14 AM, Michael Symons, NJ] reports that a new directive setting forth rules for when New Jersey law enforcement agencies should cooperate with federal immigration officials is expected to be issued by early December. The current directive, issued in 2007, and recent increases in enforcement actions by the federal Immigration and Customs Enforcement agency were the subject of a critical report issued Tuesday by groups who say current practices are costly, vague and need to end now. "ICE holds are requests that at best are based on a hunch. At their worst, they're a smoke screen for racial profiling. Either way, they carry no legal weight," said Amol Sinha, executive director of the American Civil Liberties Union of New Jersey. "When local jurisdictions have been sued, they have lost. And we the taxpayers have been the ones on the hook," Sinha said. "To hold people, ICE needs legally binding warrants signed by a judge. That's not what ICE is sending out." Attorney General Gurbir Grewal said he agrees "wholeheartedly" with the report's assessment of the 2007 directive. He said a new directive will be issued in two to three weeks. The change follows through on a Gov. Phil Murphy campaign promise to see New Jersey become a "sanctuary state." The NJPP report says the number of ICE detainees in New Jersey increased by 87.5 percent between 2016 and 2017, compared to 40 percent nationally. It said New Jersey voluntarily honored 63 percent of those detainer requests, compared with 54 percent nationally.

Additional reporting:

[NJ Spotlight](#) [11/14/2018 3:00 AM, Colleen O'Dea, NJ]

[NJTV](#) [11/13/2018 5:47 PM, Brenda Flanagan, 4K, NJ]

[Insider NJ](#) [11/13/2018 4:21 PM, Staff, NJ]

### **[TX] Trump's cruelty isn't deterring immigrants – they told me in ICE custody**

[Daily Beast](#) [11/13/2018 4:46 AM, Irwin Redlener, 2272K, NY] reports that under the cover of multiple self-inflicted crises, President Trump has reportedly proposed reviving the widely reviled policy of separating children from parents as a way of discouraging immigration from Central America. Separation "2.0" is cloaked in what's called the "binary choice" concept. This is a highly coercive, "Sophie's choice" variant forcing parents to choose between an extremely long period of harsh detention with their kids – or being immediately separated from their children but promised an expedited process to rule on their asylum pleas. The bottom line is that this is the second round of an immigration deterrence policy based on

abject cruelty. The problem is that it didn't work the first time. And there is not a shred of evidence to suggest that it will now either.

#### **[TX] OGA staff tour ICE facility in Texas**

[Presbyterian Church USA](#) [11/13/2018 1:16 PM, Rick Jones, 9K, KY] reports between 60 and 86 nationalities are represented behind the walls of the ICE Montana Facility in El Paso, Texas. It is one of six in the country that is run by Immigration and Customs Enforcement. Men and women of all ages and backgrounds, some seeking asylum in the U.S., are currently detained there, waiting and hoping they'll be given an opportunity to start a new life or remain with their families in the U.S. Two staff members from the Presbyterian Church's Office of the General Assembly recently visited the facility while along the U.S. Mexico border. Amanda Craft, manager of advocacy with the OGA's Office of Immigration Issues and Teresa Waggener, OGA's immigration attorney, were allowed access to see firsthand how men and women are living and coping in the federally-run facility. Craft says the tour was conducted by an ICE official as well as the facility spokesperson.

Waggener expressed concern about the people inside the facility and their access to due process. "While in the booking area, we learned that each individual could have 40 pounds of personal items kept for them in inventory, just the size and weight of a carry-on item that could be taken with them if they were deported on a flight with ICE Air," she said. "It seemed as though deportation was a foregone conclusion. This concern was solidified for us later, when we met with attorneys who serve the El Paso area. They showed us the Executive Office of Immigration Review statistics for this facility. Only two percent of asylum-seekers prevail." That same report shows that other cities like Baltimore and Boston have a grant rate of 63 to 78 percent.

#### **[CA] 'Sanctuary State' Update: County Handed 1,143 to ICE in 2017**

[Times of San Diego](#) [11/13/2018 7:08 PM, Ken Stone, CA] reports county officials briefed the Board of Supervisors Tuesday on their efforts to comply with the "sanctuary state" law regarding Immigration Customs Enforcement access to jail inmates. The state Transparent Review of Unjust Transfers and Holds Act, which took effect last year, calls for a governing board of a county where law enforcement has allowed for ICE access to immigrants to hold at least one community forum. During Tuesday's forum, the San Diego County Sheriff's Office said that in 2017, 1,143 individuals were released to ICE, accounting for 1.4 percent of the total releases. According to the Sheriff's Department, 195 people consented to an ICE interview without an attorney, while 597 people had release dates provided to ICE. Some chided the board for its support of the Trump administration's lawsuit against SB 54, the California law that prohibits local and state law enforcement authorities from investigating or arresting people for federal immigration enforcement purposes.

## **Legal News**

#### **9th Circ. Denies Right-To-Counsel Bid By Immigrant Minors**

[Law360](#) [11/13/2018 7:40 PM, Tiffany Hu] reports the Ninth Circuit on Tuesday declined to reconsider a case brought by a class of thousands of unaccompanied immigrant children seeking lawyers and due process rights in deportation cases, leaving in place its earlier decision that the children can't bypass immigration court and head straight to district court. In a published opinion, the appellate court refused to rehear an appeal over its September

2016 panel decision that the district court lacked jurisdiction over a claim that immigrant children have a right to attorneys in deportation cases. Because the children's claims over the right stemmed from their deportation cases, they could only raise these claims through the "petition for review" process, which involves going through the immigration court system first, the panel had ruled. Circuit Judge Marsha S. Berzon in a dissent took aim at what she called the panel's "rigid procedural ruling," arguing that the panel had erred in its reading of a federal statute governing judicial review of deportation orders.

Additional reporting: [Courthouse News Service](#) [11/13/2018 9:00 PM, Karina Brown, CA]

**[TN] Spanish-language reporter faces deportation from U.S.**

[Washington Post](#) [11/13/2018 4:56 PM, Adrian Sainz] reports a Spanish-language reporter who faces deportation after his arrest while covering an immigration protest in Tennessee says he was unjustly detained and faces danger if sent back to El Salvador. Manuel Duran spoke publicly about his case Tuesday for the first time since his arrest at an April rally protesting immigration policies just ahead of the 50th anniversary of civil rights leader Martin Luther King Jr.'s assassination in downtown Memphis. Duran's lawyer said he could be deported within two weeks if an appeals court in Atlanta does not agree to delay his removal and reopen his deportation case. Authorities in Memphis handed him over to Immigration and Customs Enforcement after charges related to his arrest at the protest were dropped. In October, the Board of Immigration Appeals in Virginia denied an appeal in the case. Duran's lawyer, Michelle Lapointe, said he could be deported within two weeks if the 11th Circuit Court of Appeals in Atlanta does not agree to delay his removal and reopen his deportation case. A ruling is pending.

[KTLA](#) [11/13/2018 8:57 PM, Staff, 212K, CA] reports Manuel Duran spoke publicly about his case for the first time since his arrest at an April rally protesting immigration policies the day before the 50th anniversary of the assassination of civil rights leader Martin Luther King Jr. in downtown Memphis. Duran is from El Salvador and he has lived in Memphis for years. He ran the Memphis Noticias online news outlet and reported on the effects of U.S. immigration policies in the Hispanic community. Duran's lawyers have said he came to the U.S. without permission in 2006 after receiving death threats related to reporting on corruption in El Salvador. In October, the Board of Immigration Appeals in Virginia denied an appeal in the case. Duran's lawyer, Michelle Lapointe, said he could be deported within two weeks if the 11th Circuit Court of Appeals in Atlanta does not agree to delay his removal and reopen his deportation case. A ruling is pending. Duran was transferred from Memphis to an ICE facility in Louisiana. Duran said he has experienced poor conditions, including bad food and dirty bathrooms with no toilet paper, in ICE facilities in Louisiana. ICE spokesman Bryan Cox denied Duran's allegations. Cox said the facility where Duran is being held in Jena, Louisiana, has been inspected by multiple groups and has passed inspection.

The [Memphis Commercial Appeal](#) [11/13/2018 5:40 PM, Daniel Connolly, 31K, TN] reports that Duran was one of nine people arrested during a protest outside the criminal justice center at 201 Poplar in early April. Authorities initially charged him with disorderly conduct and obstructing a road or passageway. The local prosecutor's office quickly dropped the charges, but immigration authorities took Duran into custody, citing a deportation order from 2007. That order had been entered in an Atlanta immigration court after Duran missed a court date. Duran's supporters have said he didn't get notice to appear that day. The Atlanta immigration court declined to reopen Duran's case, and his supporters brought the case to

the Board of Immigration Appeals in Falls Church, Virginia. That board likewise rejected Duran's appeal, leading to the appeal to the 11th Circuit.

Additional reporting:

[CBS News](#) [11/13/2018 8:00 PM, Staff]

[KSHB](#) [11/13/2018 9:49 PM, Cynthia Newsome, MO]

#### **[FL] ICE Officer Cut From Citizen's Detention Row**

[Law 360](#) [11/13/2018 3:22 PM, Kevin Penton] reports that a Florida federal judge has dismissed several claims brought by a U.S. citizen of Honduran ancestry who has been detained twice on suspicion of being in the country illegally, tossing all claims filed against an ICE officer while allowing several against a Florida county and the federal government to proceed. Alexander Martinez, the U.S. Immigration and Customs Enforcement officer who issued the detainer that led Miami-Dade County authorities to hold Garland Creedle after he tried to post bail following his arrest on domestic violence charges, should not face claims that he violated Creedle's Fourth and Fifth Amendment rights, according to the Friday order by U.S. District Judge Kathleen M. Williams. Creedle's claims against Martinez appear to resemble what the U.S. Supreme Court barred in a 2017 case known as *Ziglar* — to challenge a broader government policy in part by seeking claims against the individual who carried out the policies, rather than challenging "unauthorized" acts performed by a "malicious or reckless" official, the judge wrote.

#### **[KS] Lawrence scientist facing deportation says immigration debate should seek middle ground**

[Lawrence Journal World](#) [11/13/2018 5:38 PM, Rochelle Valverde, KS] reports after his immigration case attracted international attention, a Lawrence scientist and father of three says fixing the immigration system will require finding the gray in what, for many people, has become a black-and-white issue. After more than 30 years in the U.S., Syed Jamal, 55, was nearly deported earlier this year, and his ability to remain here — where his children are U.S. citizens — remains up in the air. Jamal spoke at Park University's Parkville Campus on Tuesday as part of a university engagement event. Moderator Jack MacLennan, Park University assistant professor of political science, asked Jamal what people who feel strongly about the immigration debate should take away from his story. Immigration and Customs Enforcement agents arrested Jamal on Jan. 24 as he was taking his children to school. At the time of his arrest, Jamal was teaching a lab for advanced inorganic chemistry at Park University as an adjunct instructor, according to a news release from Park University. In mid-February, Jamal was put on a plane back to Bangladesh, but a midair decision allowed him to return to the U.S. to have his case reviewed. After nearly two months in ICE custody, Jamal was freed in March and allowed to return to his wife and children in Lawrence pending resolution of his case with the Board of Immigration Appeals. In August, he won the opportunity to present his case to an immigration judge. The Journal-World did not immediately receive a response Tuesday from Jamal's attorney regarding whether a trial date has been set in his case.

Additional reporting:

[WDAF-TV](#) [11/13/2018 5:51 PM, Melissa Stern, 55K, MO]

#### **[OH] Immigration law clinic steps up to meet growing need**



[University of Akron](#) [11/13/2018 6:00 AM, Staff, OH] reports for most residents of Northeast Ohio, the situation along the U.S.-Mexico border — illegal crossings, caravans of Central American migrants fleeing persecution, children separated from their parents — seems like a world away. Elizabeth Knowles, assistant clinical professor of law at The University of Akron's School of Law, knows better. Knowles teaches asylum and refugee law and directs the school's Immigration & Human Rights Law Clinic, which she founded in July 2016. The clinic's mission is to educate and train law students in the practice of immigration advocacy and removal defense. In January 2017, the Trump administration implemented policies that made it much more difficult for detained asylum seekers to obtain parole so that they can prepare for their removal proceedings outside of detention. U.S. Immigration and Customs Enforcement (ICE) now detains about 400,000 non-citizens annually, housing them in a network of more than 350 detention facilities nationwide. Most of the detainees are now funneled to large, privately owned prisons across the country, including the Northeast Ohio Correctional Center (NEOCC), a medium-security facility in Youngstown. There the detained asylum seekers will have their "credible fear" interview. If they pass, they will be scheduled for removal proceedings at the Cleveland Immigration Court. The detained asylum seekers participate in the proceedings via televideo from detention at NEOCC, not in person.

**[MI] Church-dwelling immigrant's fugitive status 'bogus,' lawyer argues**

[Michigan Live](#) [11/13/2018 3:46 PM, Dana Afana, 531K, MI] reports an Albanian immigrant taking sanctuary from ICE in a Downtown Detroit church is a "fugitive," even though authorities know exactly where he is, a government attorney argued in federal court Tuesday. Ded Rranxburgaj's status as a fugitive disqualifies him from consideration for a stay of deportation, the government argues. Family adjusts to life inside church to avoid father's deportation. Rranxburgaj, a former longtime Southgate resident with no criminal record who has been living inside the Central United Methodist Church since January to avoid deportation, filed a lawsuit in June seeking the reversal of the rejection of his request for a stay of removal.

He was previously allowed to remain in the U.S. for years on humanitarian grounds, because he cares for his ailing wife, who suffers from a debilitating case of multiple sclerosis. That changed under the Trump administration's stricter immigration enforcement policy, and ICE told Rranxburgaj on Oct. 3, 2017 to expect to leave the country in January. Because ICE has a policy against taking enforcement action in places of worship, he took refuge in the church and did not report to a meeting with ICE agents on Jan. 17. That led to his fugitive status and the rejection of his appeal for a stay of removal, according to court documents.

The [Detroit Free Press](#) [11/14/2018 1:20 AM, Niraj Warikoo, MI] reports supporters of an Albanian immigrant whom ICE wants to deport rallied Tuesday as a court hearing was held to consider his request to stay in the U.S. Chief Judge Denise Page Hood of U.S. District Court in Detroit said after the hearing she would make a decision soon in the case of Ded Rranxburgaj, 48, of Southgate, currently living in sanctuary at Central United Methodist Church in Detroit. His wife, Flora Rranxburgaj, suffers from multiple sclerosis and depends on him to take care of her. Federal immigration authorities had previously allowed Ded, who had overstayed a visa, to remain in the U.S. But after Donald Trump became president and toughened immigration enforcement, Ded was told in October 2017 he had to return to his native Albania. In January, ICE declared him a fugitive after he announced he would be living in sanctuary at Central United Methodist Church, a historic Protestant congregation

that sits next to Comerica Park. In June, attorney George Mann filed a lawsuit on behalf of Rranxburgaj against the heads of the Department of Homeland Security, ICE, Detroit ICE office, and then-Attorney General Jeff Sessions. ICE spokesman Khaalid Walls said earlier this year that Rranxburgaj "is currently considered an ICE fugitive." Walls said that he is a citizen of Albania who was ordered removed by an immigration judge in 2006. In 2009, the Board of Immigration Appeals dismissed the appeal of the immigration judge's decision, affirming his removal order. On Monday, Mann filed a motion with the Board of Immigration Appeals asking them to cancel his removal.

**[SD] South Dakota group providing legal support to immigrant children**

[KSFY](#) [11/13/2018 10:43 PM, Michaela Feldmann, 13K, SD] reports for nearly five months a group of South Dakotans has been reuniting children separated from their families at the U.S.-Mexico border. "Hand in hand, Justice for Immigrant Children" is an initiative of the nonprofit South Dakota Voices for Peace. The group is raising money to develop and sustain legal and support services for immigrant children seeking asylum. The Office of Refugee Resettlement said nearly 300 unaccompanied children from Central America have been placed with families in South Dakota since 2014. "I mean that's really drastic to think of 15, 14, 12-year olds traveling by foot 3,000 miles," South Dakota Voices for Peace Executive Director Taneeza Islam said. "Children who show up to immigration court without a lawyer have a 90 percent chance of being returned to the country they just fled. A 90 percent. With a lawyer we also know they have a 60 percent chance of being able to stay here lawfully," Islam said.

**[ID] Idaho Has A New Resource For People With Cases In Immigration Court**

[Boise State Public Radio](#) [11/13/2018 9:04 AM, Samantha Wright, 3K, ID] reports that people living in Idaho with cases in immigration court often don't have a lawyer. The law says they must be notified of organizations that provide free legal services, but until last month the closest place to get representation was in Montana. This month, the nonprofit organization Immigrant Justice Idaho opened up with the goal of addressing the state gap in free or low-cost legal representation for people dealing with immigration cases. The organization was the brainchild of Boise Attorney Maria Andrade. Speaking on Idaho Matters, she says IJI fills a need in the Gem State. Andrade says having a lawyer can make a big difference in immigration cases. "People are five to ten times more likely to win their case, depending on other factors, if they have representation. So here is a way we know we can make a tangible difference in Idahoan's lives, not just the actual person in court, but entire families and communities," says Andrade. She says Immigrant Justice Idaho could help between 50 and 100 people each month.

**[CA] Lawsuit seeks release of refugee minor held at Yolo County's juvenile hall**

[Davis Enterprise](#) [11/13/2018 6:02 PM, Anne Ternus-Bellamy, 11K, CA] reports a San Francisco law firm is seeking the release of a 17-year-old Guatemalan refugee being held at the Yolo County Juvenile Detention Facility. Attorneys filed suit against the federal Office of Refugee Resettlement in U.S. District Court last week, alleging the boy, identified only as B.D.A.C., was unlawfully separated from his family after arriving in the United States in December 2017 and is being held under false allegations of gang affiliation. Attorneys for B.D.A.C. say the 17-year-old's mother, who lives in Ohio, requested that her son be released to her in December 2017, but "ORR has nevertheless failed to adjudicate reunification request." Instead he has been kept in locked facilities where his mental health has deteriorated, attorneys contend.

## **[CA] Many San Diego Inmates Agree to ICE Interviews Despite Law Allowing Them to Decline**

[Voice of San Diego](#) [11/13/2018 6:14 PM, Maya Srikrishnan, 13K, CA] reports though California law allows people in local jails to refuse interview requests from Immigration and Customs officials, more people in San Diego this year have agreed to be interviewed without a lawyer than the number who refused. That's one revelation from Tuesday's San Diego County Board of Supervisors meeting – a legally mandated forum on the implementation of the Truth Act, a California law that went into effect in 2017 that aimed to bolster jail inmates' awareness of their rights regarding interactions with federal immigration authorities. The Truth Act requires that when ICE places a detainer on someone – or a request to transfer a person from local law enforcement custody to immigration custody – that the local law enforcement agency must provide a copy of the request to the individual affected. It also requires immigrants to sign consent forms if they agree to an interview with ICE while in a local jail to determine their eligibility for deportation. They are supposed to be read their rights, and can decline the interview.

## **Enforcement News**

### **National Exit Poll Shows Continued Public Support for Immigration Enforcement**

[KHQ](#) [11/13/2018 9:44 AM, Staff, 24K, WA] reports that a national exit poll of 1,000 voters in last week's midterm elections shows that support for immigration enforcement remains strong, and should be an area where bipartisan consensus can be reached in the 116th Congress. The survey was conducted by the polling firm Zogby Analytics on behalf of the Federation for American Immigration Reform. The poll provides conclusive evidence that Republican losses in the House of Representatives were not due to the party's or President Trump's strong stances on immigration enforcement.

### **Number Of People Detained By ICE Is Now At A Record High**

[Huffington Post](#) [11/13/2018 4:51 PM, Staff, 9094K] reports President Trump has been quick to praise U.S. Immigration and Customs Enforcement Agency amid increasing imprisonments. [Editorial note: consult source link for video]

### **Illegal alien charged with triple murder was a 'dreamer'**

[Washington Examiner](#) [11/13/2018 2:09 PM, Paul Bedard, 567K, DC] reports federal officials have confirmed that an illegal immigrant released from jail by a "sanctuary city" and later charged with a triple murder was a "dreamer" protected from deportation. Luis Rodrigo Perez, a 23-year-old Mexican national, was given two-year Deferred Action for Childhood Arrivals status in 2012 and 2014. "The illegal alien who murdered three people after he was released from a New Jersey county jail was a DACA recipient in 2012 and 2014, as confirmed by ICE," tweeted the Center for Immigration Studies, which advocates for reforms focused on legal immigration. It cited a Springfield, Mo., News-Leader story that quoted a top Immigration and Customs Enforcement official on the DACA status of Perez. ICE said that Perez was let go from a New Jersey jail because the facility does not respect ICE requests for prisoners who are illegal immigrants. ICE sought Perez in December, but he was released and ICE was notified. "Had ICE's detainer request in December 2017 been honored by Middlesex County Jail, Luis Rodrigo Perez would have been placed in deportation proceedings and likely sent home to his country – and three innocent people might be alive today. It is past time that localities realize the perils of dangerous sanctuary

policies and resume their primary goal of protecting their residents," said ICE Acting Executive Associate Director Corey Price in a statement.

[Breitbart](#) [11/13/2018 11:46 PM, Katherine Rodriguez, 2405K] reports that ICE spokesperson Shawn Neudauer said before Perez was accused of murder, he was arrested in Middlesex County in December 2017 on suspicion of aggravated assault, assault, and child abuse. The state and federal law enforcement database showed these charges as "still pending," according to Neudauer. ICE Acting Executive Associate Director Corey Price said Friday that federal immigration officials placed a detainer on Perez while in the New Jersey jail, but jail officials did not honor the request and did not let ICE know when he was released.

[LifeZette](#) [11/13/2018 3:22 PM, Connor D. Wolf] reports, "This is a tragedy that might have been avoided if counties like Middlesex honored the ICE detainer," John Tsoukaris, an ICE deportation operations field director in Newark, told host Laura Ingraham on Tuesday morning. "Unfortunately, we have three people who are dead now because of this favor to comply with federal law. Their policy basically is designed, I feel, to impede or stop ICE from enforcing the law. For example, the policy requires ICE to get a federal judge warrant to arrest before they will comply with any request. This requirement is contrary to law." The Immigration and Nationality Act does indeed allow border agents to issue arrest warrants. Yet the Board of Chosen Freeholders dismissed this federal power when it adopted a sanctuary policy for the jail in March 2017. "We enjoy great cooperation with law enforcement from across the state including in Middlesex County," Tsoukaris said. "Police departments and officers work closely with us on safety matters all the time. It's just that in this individual case, the Middlesex County jail is not honoring these ICE detainers and basically protecting criminal aliens ... It's very unfortunate and it's very dangerous and we saw it play out, unfortunately, with this tragedy," he added.

### **7-Eleven may be outing its undocumented workers to ICE**

[Mic](#) [11/13/2018 12:50 PM, Josh Ocampo] reports that in January, U.S. Immigration and Customs Enforcement agents raided nearly 100 7-Eleven convenience stores spanning 17 states and Washington, D.C. ICE served inspection notices and arrested 21 undocumented workers. "Today's actions send a strong message to U.S. businesses that hire and employ an illegal workforce: ICE will enforce the law, and if you are found to be breaking the law, you will be held accountable," Thomas D. Homan, the acting director of ICE, said in a statement during the time of the arrests. 7-Eleven claims zero responsibility in the raids, alleging it does not provide any information to the government unless a crime occurs in a store. But according to a recent report by Bloomberg, which was in contact with three officials from Homeland Security Investigations, the chain provided the names of several franchise owners to ICE, which directly led to raids by agents in several cases. In July, 7-Eleven issued a warning letter to at least one franchise owner in Los Angeles, demanding documentation or otherwise threatening the seizure of his store. The letter and raids suggest 7-Eleven is actively chasing down franchise owners — some of whom are also the company's biggest critics — and are willing to use immigration law in order to accomplish the task.

With the Trump administration in office, ICE arrests have become more frequent — in the first few months of 2017, arrests of undocumented immigrants by ICE surged nearly 40% nationwide compared to the same period of time in 2016. From January through September, ICE removed an additional 191,500 individuals, compared to 175,500 in the

same time frame in 2017. "This is what we're gearing up for this year and what you're going to see more and more of is these large-scale compliance inspections, just for starters," Derek Benner, acting head of ICE's Homeland Security Investigations, told AP in January. "It's not going to be limited to large companies or any particular industry — big, medium and small."

Reported similarly: [Pacific Standard](#) [11/13/2018 1:35 PM, Massoud Hayoun, 83K, CA]

**[MA] Accused rapist eyed by ICE**

[Boston Herald](#) [11/14/2018 3:00 AM, Alexi Cohan, MA] reports a man being monitored by ICE and charged with two separate counts of child rape is due at a dangerousness hearing in Lawrence District Court today after he was caught by state police last week. Jonathan Llopiz, 29, who was wanted by police for more than a year, is charged with raping two girls under the age of 11, according to police reports. An Immigration and Customs Enforcement spokesman told the Herald the agency is monitoring the case but could not confirm whether Llopiz is in the U.S. illegally. No immigration detainer has been issued in the case.

**[CT] Supporters of Father Facing Deportation Rally for Family to Reunite for Holidays**

[NBC Hartford](#) [11/13/2018 5:31 PM, Jamie Ratliff, 51K, CT] reports that supporters of a father facing deportation rallied outside the federal building that houses the Immigration and Customs Enforcement office in Hartford Tuesday. They are asking for the agency to allow Nelson Pinos to stay in the U.S. and be with his family for the holidays. Pinos sought sanctuary at a New Haven church to avoid deportation to his native Ecuador nearly a year ago. He told NBC Connecticut he came to the US in 1992 for a better life and has lived in Connecticut for nearly 20 years. Supporters say he's been paying taxes with a social security number issued to him by the government more than 20 years ago. Last month Pinos' attorney submitted an appeal for a stay of deportation – citing the psychological harm this ordeal is causing his children. [Editorial note: consult source link for video]

**[NY] More immigrant detainees keep coming to Albany County Jail**

[Times Union](#) [11/13/2018 1:00 PM, Mallory Moench, 118K, NY] reports the flow of migrants into the Albany County Jail continues. More than 50 migrants from the southern U.S. border have arrived at the jail in the past month, although many of the estimated 300 transferred this summer have been shifted to a detention center near Buffalo. Albany County Sheriff Craig Apple said the jail received around 20 immigrant detainees in mid-October and 32 more on Nov. 2. The jail currently holds 178 immigrant detainees, 86 who were originally transferred from the southern border. The other 210 individuals who crossed the southern border were transferred to Batavia Federal Detention Facility near Buffalo or released, a U.S. Immigration and Customs Enforcement spokesman said. Apple said he has room for another 100 immigrants at the jail, but doesn't want to overload a small band of volunteer attorneys who are offering free legal representation.

**[KY] Father to be deported learns child has tumor**

[Kentucky Standard](#) [11/13/2018 2:13 PM, Randy Patrick, 1K, KY] reports days before Max Roblero was to ask a judge in Chicago for asylum, his family in Bardstown learned his little girl had a malignant tumor. Roblero has since been moved from Kentucky to Illinois to await deportation. His wife, Engracia, an undocumented immigrant from Guatemala, and their three children, all U.S. citizens, would be left behind. Roblero was going to request voluntary departure, because it might hasten his legal return, said his friends Lynn and John



Bauscher. Because of a quirk of immigration law, he couldn't ask for a stay if he did so. Bauscher said Roblero's immigration attorney, Charles Nett of Louisville, told him there was only a 30 to 40 percent chance a judge would grant his request to stay for his child's sake. Last Thursday, the Bauschers learned the request had been denied, and Roblero was taken from the Boone County jail where he has been held and sent to Chicago. John Bauscher said a judge asked Roblero if he was afraid to go back to Mexico, and Roblero said he was, but the court didn't grant him asylum.

**[SC] DUI suspect driving 100+ in North Charleston jumped median, hit truck head-on, police say**

[ABC News 4 Charleston](#) [11/13/2018 5:13 PM, Staff, 15K, SC] reports a 25-year-old woman was arrested for felony DUI after police say on Oct. 29 she was traveling over 100 miles per hour on Rivers Avenue in North Charleston, jumped a median and hit a truck head-on traveling in the opposite way. Kenia Gomez-Macias of North Charleston was charged on Nov. 9 after being released from the hospital. Gomez was booked in the Charleston County Detention Center. The booking report also shows hold for Immigration and Customs Enforcement.

**[GA] Man accused of dismembering 77-year-old man on ICE hold at Clayton County Jail**

[11 Alive](#) [11/13/2018 6:45 PM, Lauren Padgett, 71K, GA] reports the man accused of dismembering his neighbor and storing part of his body in a cooler is currently on an immigration hold at the Clayton County jail, officials confirmed Tuesday. Christian Ponce Martinez, 25, is charged with murdering 77-year-old Robert Page, who lived next door to him. Page's wife reported him missing on Nov. 8 and his body was found the next day. Martinez' status in the United States has not been released. Immigration and Customs Enforcement (ICE) officials confirm the federal agency has a hold on Martinez but said he is not in the agency's custody.

**[CA] DREAMer: ICE Used an Elaborate Ruse to Arrest Me**

[Daily Beast](#) [11/14/2018 4:46 AM, Betsy Woodruff] reports one October morning, Osny Sorto-Vasquez got a call from his mom and knew something was wrong. His younger siblings were crying in the background, and his mother sounded scared. A woman who identified herself as a detective with the local police had come to the home Vasquez shares with his family and told them someone was using their address to ship contraband through the mail — potentially putting them in danger. The woman showed the family a picture of a man who she said they were looking for. Sorto-Vasquez, a 24-year-old who came to the U.S. from Honduras as a child, is in the Deferred Action for Childhood Arrivals or DACA program, which temporarily shields some young undocumented immigrants from deportation. Sorto-Vasquez, a nursing assistant, recently got a misdemeanor charge for driving under the influence. His lawyers told him it wouldn't jeopardize his DACA status. But his encounter with law enforcement — which he described to The Daily Beast from an immigration detention center in southern California — highlights a growing concern among undocumented immigrants: that when they hear from people who present themselves as local law enforcement, it could upend their lives. An ICE spokesperson said officers with the agency frequently identify themselves simply as police but do not claim to be with agencies other than ICE. "ICE agents and officers never pretend that they are from any other law enforcement agency," the spokesperson said in an email. The situation Sorto-Vasquez faced has grown increasingly common under the Trump administration, according to

immigration lawyers who spoke with The Daily Beast. While ICE officers capitalized on being mistaken for local police under previous administrations, the practice these days appears to be more frequent, these lawyers said. An ICE spokesperson gave The Daily Beast this statement on Sorto-Vasquez's case: "Mr. Sorto-Vasquez, a citizen of Honduras illegally residing in the U.S., was arrested Oct. 3 by deportation officers with U.S. Immigration and Customs Enforcement (ICE). Records reveal that Mr. Sorto-Vasquez was apprehended by the U.S. Border Patrol in May 2004, and ordered removed from the U.S. in November 2004, making him an immigration fugitive. In addition to the final order of removal, Mr. Sorto-Vasquez was convicted for driving under the influence last month."

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Thursday, Nov. 15, 2018**

## **Executive Office for Immigration Review**

Hearing in asylum law challenge set for next week..... 2

Expedite asylum requests: Beefed-up courts are needed to handle the backlog ..... 3

Joe's Waiting Game: Court To Make Ruling On Giudice's Appeal In 3 Months ..... 3

## **Policy and Legislative News**

Migrant caravan groups arrive by hundreds at U.S. border..... 3

Caravan Migrants Scale Border Fence Near San Diego ..... 5

Mattis, Nielsen arrive at U.S.-Mexico border to inspect troops ..... 5

At the border, uncertainty about the migrant caravan and military concertina wire ..... 6

Can Donald Trump use force against the 'migrant caravan'?..... 6

'Game On:' Former Acting ICE Director Tom Homan Says The Government Is Prepared To 'Send Another Message'

On Illegal Immigration As Caravan Approaches .....7

Trump's Border Policy Seeks to Curb Trafficking of Children and Youths .....7

U.S. Begins Accepting Caravan Migrants In for Asylum Claims.....7

5 Things to Know About the Asylum Process and How It Works .....8

The Number of Asylum Seekers Has Risen by 2,000% in 10 Years. Who Should Get to Stay?.....8

What if we did deport all illegal immigrants? .....9

Donald Trump, the Migrant Caravan, and a Manufactured Crisis at the U.S. Border.....9

Trump's nominee to lead ICE, Ronald Vitiello, faces Senate confirmation hearing ..... 10

Former ICE Director Tom Homan Thanks Fox News For Defending Agency Against 'Abolish ICE' Movement ..... 11

Thomas Homan, a possible replacement for DHS secretary Kirstjen Nielsen, praises her leadership ..... 11

DHS replacement will face same border challenges .....	12	[FL] Miami-Dade Can Be Held Liable for Detaining U.S. Citizen for ICE, Judge Rules.....	17
U.S. awards second border wall contract in Texas .....	12	[NM] Immigrants Slap NM Detention Center With \$5M Wage Suit.....	17
[VT] Immigrant advocates protest proposed federal policy change.....	13	[OR] January Case Could Bring Clarity To Oregon's Sanctuary Law .....	18
[NJ] Middlesex County immigration policy could lead to more tragedies.....	13	[CA] Feds Try To Dodge LA's Challenge Of 'Sanctuary' Rules .....	18
[MI] Kalamazoo rejects \$92K police grant over immigration enforcement ...	13		
[CA] San Diego County Holds Forum On ICE, Law Enforcement Access .....	14	<b>Enforcement News</b>	
[CA] Morning Report: New Numbers Shed Light on ICE Interactions in Local Jails .....	14	[MA] ICE uncovers rape suspect's true identity, moves to take custody .....	18
<b>Legal News</b>		[NJ] Mexican nationals busted in NJ with \$3M in drugs, cops say .....	18
Lawyers seek 'Apprentice' tapes in Trump immigration suit.....	14	[TN] Salvadoran journalist may face deportation from U.S. after board denies his appeal.....	19
The government pays for migrant children's lawyers. Challenge the government, and they can lose their funding.....	15	[TN] Whereabouts of Alleged Illegal Immigrant Who Killed Tennessee Woman Unknown .....	19
[VT] Lawsuit Alleges Farmworkers Targeted For Activism With Surveillance, Informant.....	15	[SC] Illegal alien pleads guilty in South Carolina to unlawfully entering U.S. for 6th time .....	20
[NY] State, Local Cops May Not Make Immigration Arrests, NY Appeals Court Rules .....	16	[TX] Sex Offenders, Gang Members Apprehended near Texas Border .....	20
[NY] Albany County using federal funds to give legal help to immigrants in county jail.....	16	[KS] Still worried about deportation, Syed Jamal calls for immigration reform .....	20
		[AZ] Yuma BP agents apprehended 654 people in 2 days .....	21
		[CA] Driver accused of DUI crash to be sentenced for immigration violations ...	21

## Executive Office for Immigration Review

### Hearing in asylum law challenge set for next week

[Salt Lake Tribune](#) [11/14/2018 10:39 AM, Associated Press, UT] reports a federal judge set a hearing for Monday to determine whether to temporarily halt the Trump administration's latest immigration policy change denying asylum to anyone caught crossing the border illegally. President Donald Trump issued a proclamation late last week. The regulations circumvent immigration law that states anyone who arrives to the U.S. can ask for asylum regardless of how they arrived. The American Civil Liberties Union filed a challenge in

California arguing the rules were illegal. The lawsuit also asks that a judge put the changes on hold while the litigation progresses. The changes went into effect Saturday and apply to anyone at the U.S.-Mexico border.

Additional reporting: [The Intelligencer](#) [11/14/2018 10:39 AM, Colleen Long, PA]

### **Expedite asylum requests: Beefed-up courts are needed to handle the backlog**

[Pittsburgh Post-Gazette](#) [11/14/2018 7:00 AM, Staff, PA] reports President Donald Trump is correct in the strong stand he is taking against the pileup of immigrants seeking to get into and stay in the United States. Some 800,000 asylum applications are pending in the immigration court system, and the backlog is growing. At current rates, it will take years to wear it down. We need a ramped-up court system to handle these applications in the interest of prompt justice. Perversely, the interminable delays in handling asylum applications may work to encourage asylum seekers, who generally get to remain in this country awaiting their day in court.

### **Joe's Waiting Game: Court To Make Ruling On Giudice's Appeal In 3 Months**

[Radar](#) [11/14/2018 6:31 AM, Mary Jacob, 218K] reports that Joe Giudice has officially filed an appeal to dispute his deportation order, but it looks like the reality star won't find out his fate for a long while, RadarOnline.com has exclusively learned. According to ICE officials, the Real Housewives of New Jersey star will have to wait about three months for the appeals court to make their decision.

"I can't speak specifically to his case. But three months is what they typically run when they look at an appeals," an ICE official told Radar. "But because he's not in our custody it can even be longer. Because now we have to coordinate with a third entity which is the Bureau of Prisons." Giudice filed a last minute appeal on Friday, November 9, 2018. "On Oct. 10, Mr. Guidice was ordered removed by an immigration judge," ICE officials told Radar in a statement. "On Nov. 9, 2018, Mr. Guidice choose to exercise his right to appeal the immigration judge's decision, by filing an appeal with the Board of Immigration Appeals." According to DOJ documents obtained by Radar, the judge ruled to deport Giudice after deciding his fraud and tax evasion crimes were considered an aggravated felony – the highest level crime committed in the United States. "The Court finds that the underlying offenses for Respondent's conspiracy conviction, mail and wire fraud ... are aggravated felonies ... as both convictions contain elements that necessarily entail fraudulent or deceitful conduct," the judge wrote in papers filed on October 10.

[Romper](#) [11/14/2018 3:29 PM, Chrissy Bobic, 190K] reports Giudice's original sentence was much longer than the term he's now serving. Us Weekly reported in 2016 that just one week after arriving at the Fort Dix Correctional Institution, five months were shaved off his sentence. Although Joe's prison sentence hasn't yet ended, a judge recently announced that following his release in 2019, he will be deported back to his home country.

## **Policy and Legislative News**

### **Migrant caravan groups arrive by hundreds at U.S. border**

[Washington Post](#) [11/14/2018 3:57 PM, AP, Elliot Spagat and Maria Verza] reports that migrants in a caravan of Central Americans scrambled Wednesday to reach the U.S.



border, arriving by the hundreds in Tijuana, while U.S. authorities across the border were readying razor wire security barriers. Mexican officials in Tijuana were struggling to deal with a group of 357 migrants who arrived aboard nine buses Tuesday and another group of 398 that arrived Wednesday. "Mexico has been excellent; we have no complaint about Mexico. The United States remains to be seen," said Josue Vargas, a migrant from Honduras who finally pulled into Tijuana Wednesday after more than a month on the road. President Donald Trump has said the caravan of migrants amounts to an "invasion." That didn't deter arriving groups of Central Americans from going to a stretch of border fence in Tijuana to celebrate. On Tuesday, a couple of dozen migrants scaled the steel border fence to celebrate their arrival, chanting "Yes, we could!" and one man dropped over to the U.S. side briefly as border agents watched from a distance. He ran quickly back to the fence.

[ThinkProgress](#) [11/14/2018 2:34 PM, Zack Ford, 480K] reports the first "wave" of the migrant caravan has arrived at the southern border. With support from an LGBTQ advocacy organization, this group of about 80 mostly-LGBTQ people split off from the rest of the group after experiencing discrimination both from the communities along the way and from fellow travelers. During a news conference Sunday, Honduran migrant Cesar Mejia explained, "Whenever we arrived at a stopping point the LGBT community was the last to be taken into account in every way. So our goal was to change that and say, 'This time we are going to be first.'" That mistreatment reportedly included being denied food and access to showers, even by local groups providing aid to others in the caravan. According to Mejia, advocacy groups reached out after they arrived in Mexican territory and helped bus them ahead to the border. A report from Reuters last year described "epidemic levels of violence" against LGBTQ people in countries like El Salvador, Honduras, and Guatemala.

The [Washington Examiner](#) [11/14/2018 7:38 AM, Katelyn Caralle, DC] reports, "As we have said repeatedly, being a member of a caravan doesn't give you any special rights to enter the country," Department of Homeland Security spokeswoman Katie Waldman said in a statement. "If they arrive at a Port of Entry, they will have to wait in line in keeping with the lawful processes at our ports of entry. If they attempt to enter illegally, they will have violated U.S. criminal law and in accordance with the President's proclamation and the Interim Final Rule they would be ineligible for asylum."

[BuzzFeed](#) [11/15/2018 11:06 AM, Adolfo Flores, 8149K] reports standing on the beach in Tijuana on Wednesday, Christian caught his first glimpse of the United States. Christian, who declined to give his last name out of fear of damaging his potential asylum case, was part of an LGBT contingent of the caravan that separated from the main group in Mexico City to head for Tijuana. The contingent said it faced discrimination from within the caravan in addition to the dangers that such a visible group faced on the journey through Mexico. When the group, which includes several transgender women, would try to hitchhike while traveling with the main caravan, drivers who were offering a lift to other members of the caravan would deny them rides or leave them stranded along desolate highways, Christian said. The group of about 80 arrived in Tijuana on Sunday afternoon after 54 hours on the road, riding inside two buses paid for by RAICES, an immigrant advocacy organization based out of San Antonio, Texas.

Additional reporting:

[FOX News](#) [11/14/2018 9:03 PM, Staff]

[Rolling Stone](#) [11/14/2018 3:19 PM, Amelia McDonell-Parry, 2075K]

[Daily Beast](#) [11/15/2018 4:48 AM, Scott Bixby, NY]

[New York Post](#) [11/14/2018 1:14 PM, Yaron Steinbuch, 3705K, NY]

### **Caravan Migrants Scale Border Fence Near San Diego**

[The Daily Caller](#) [11/14/2018 3:08 PM, Will Racke, 909K, DC] reports as the initial wave of Central American migrants traveling in a caravan streamed into Tijuana on Tuesday, many of them broke from the group and scaled the border fence just south of San Diego's International Friendship Park. In a statement released Tuesday, the Border Patrol said it believes some of the people who climbed onto the fences are from the caravan of about 4,000 migrants that has been making its way north through Mexico for the past several weeks. [Editorial note: consult source link for video]

### **Mattis, Nielsen arrive at U.S.-Mexico border to inspect troops**

[Washington Post](#) [11/14/2018 12:26 PM, Associated Press] reports that Defense Secretary Jim Mattis and Homeland Security Secretary Kirstjen Nielsen are inspecting troops camped at the U.S.-Mexico border in Texas, even though the caravan of Central American migrants that prompted the deployment is headed to California. Mattis and Nielsen on Wednesday visited the camp in Donna, Texas, near one of the bridges over the Rio Grande. Troops are staying in large tents on a field bounded by razor wire. Soldiers have also laid wire at another bridge connecting McAllen, Texas, to Reynosa, Mexico. About 5,800 active duty troops are deployed at the border, including about 1,000 in Texas. President Donald Trump said they must stop the migrant caravan walking through Mexico. While Trump has largely fallen silent about the caravan since the November election, the troops remain stationed at the border.

The [New York Times](#) [11/15/2018 12:20 AM, Mitchell Ferman, 22322K] reports Defense Secretary Jim Mattis continued to stand by President Trump's order to send up to 15,000 American troops to the southwest border, telling soldiers on Wednesday that their mission is to put obstacles in the way of an approaching migrant caravan from Central America. Mr. Mattis seemed unable to fully explain to the troops the purpose or the long-term value of their deployment. At one point during a 90-minute tour of the forward operating base in South Texas, a soldier asked Mr. Mattis the goals of the mission. "Short term, get the obstacles in," Mr. Mattis replied, apparently referring to concertina wire that troops are stringing up along the border. "Long term, it is somewhat to be determined," he said. "Border security is national security," Ms. Nielsen said, according to a live stream of the tour.

[VOX](#) [11/14/2018 4:20 PM, Alex Ward, 3169K, DC] reports Defense Secretary Jim Mattis just offered his strongest support yet for the military deployment to the U.S.-Mexico border, calling it "necessary" to help stop a caravan of immigrants that remains about 1,000 miles away. In a visit to McAllen, Texas, on Wednesday alongside embattled Homeland Security Secretary Kirstjen Nielsen, Mattis told some of the deployment's 7,000 troops in surprisingly personal terms that it was critical to stop some individuals from seeking asylum in the United States. It's worth noting that U.S. troops can't engage at all with incoming migrants – only Border Patrol officers can do that. The military is at the border to back them up by providing office support, transportation, and building up infrastructure. Mattis highlighted that last point, telling troops their efforts to put in concertina wire along the U.S.-Mexico border will help ensure a safe distance between migrants and Border Patrol on the off-chance the situation turns violent.

Additional reporting:

[Washington Post](#) [11/14/2018 4:01 PM, Robert Burns]

[Reuters](#) [11/14/2018 11:20 AM, Phil Stewart, 4724K]

[BuzzFeed](#) [11/14/2018 9:22 PM, Vera Bergengruen, 8149K]

[ABC News](#) [11/14/2018 4:55 PM, Luis Martinez, 2704K]

[FOX News](#) [11/14/2018 7:38 AM, Jennifer Griffin and Lucas Tomlinson]

### **At the border, uncertainty about the migrant caravan and military concertina wire**

[Washington Post](#) [11/14/2018 1:41 PM, Dan Lamothe and Maya Averbuch] reports that many soldiers are at the center of an issue that could percolate for weeks: The potential arrival of a caravan of thousands of migrants at the U.S. border at a single location and the military's possible role in dealing with it. The Trump administration has dispatched more than 5,900 active-duty troops to the border to buttress U.S. Customs and Border Protection agents processing asylum claims. Federal law and Pentagon policy limits the scope of what the troops can do, though the military has said they could be asked to fly CBP officers in helicopters to less secure parts of the border if the caravan attempts to enter the country there. The first group of migrants, meanwhile, decided last week to turn west toward Tijuana and began arriving there Tuesday. They numbered a few hundred on Wednesday. They could disperse into smaller groups, but other caravan groups are still farther away in Mexico and it is unclear where they will go. On the border, U.S. service members are expected to cede all law enforcement missions to the Department of Homeland Security, adhering to the Posse Comitatus Act and Pentagon regulations. But some sort of significant encounter remains a possibility, even as some soldiers struggle with how to characterize their mission.

The [Washington Times](#) [11/14/2018 10:53 AM, Stephen Dinan, 547K, DC] reports hours after images of migrants climbing a border wall in San Diego went viral, the Homeland Security Department deployed razor wire Wednesday to prevent a repeat. The immigrants, who said they were the vanguard of the caravans streaming north through Mexico, ascended the fence Tuesday in a display of defiance. Video and photos showed them cheering and jeering atop the slat-style fence. Although no arrests or confrontations were reported, Homeland Security took immediate steps to try to keep others from climbing by deploying concertina wire, which coils over itself, creating a thorough barrier. "As we have said repeatedly, being a member of a caravan doesn't give you any special rights to enter the country," said Katie Waldman, Homeland Security spokeswoman.

### **Can Donald Trump use force against the 'migrant caravan'?**

[MSN News](#) [11/14/2018 10:39 AM, Michael Knigge] reports just ahead of the midterms, the US president deployed thousands of soldiers to the southern border, curtailed asylum law, and threatened the use of military force against an approaching "migrant caravan." Is that legal? Can President Donald Trump unilaterally change U.S. asylum law by executive order? This key question will once again have to be decided by the courts, which could take a long time to play out. The American Civil Liberties Union (ACLU) has already filed a lawsuit challenging the order, and other cases are expected to follow. The process could therefore take a similar path as Trump's so-called travel ban. Just like the new asylum decree, the travel ban was issued per executive order by Trump soon after taking office in January 2017. Courts quickly blocked its implementation until a watered-down third version of the order finally held up in court eight months later. Trump's new proclamation mandates that individuals claiming asylum can do so only at official ports of entry. Those entering the

country illegally are barred from seeking asylum, but can apply for two alternative forms of relief known as "withholding of removal" and relief under the United Nations Convention Against Torture, Steven Yale-Loehr, a professor of immigration law at Cornell University, told DW in an email.

**'Game On:' Former Acting ICE Director Tom Homan Says The Government Is Prepared To 'Send Another Message' On Illegal Immigration As Caravan Approaches**

[The Daily Caller](#) [11/14/2018 1:19 PM, Nick Givas, DC] reports that former Immigration and Customs Enforcement Acting Director Tom Homan said it's "game on" for the government's showdown with the migrant caravan headed for the southern border, on "Fox & Friends" Wednesday. "Game on. I think that the administration is ready," Homan declared.

"[Customs and Border Protection] has of course got a lot more resources down there with the military building the infrastructure and the fencing. You've got a lot more inspectors and asylum officers down there from [Citizenship and Immigration Services] ready to start these interviews, if they come to a port of entry," he continued. "If they decide to enter this country illegally — of course with this president's proclamation they're not going to be allowed to claim asylum," Homan said. "They're going to be metered in and we'll work at the government's pace, not their pace." Homan said those who are rounded up should be held in detention until they see a judge and recommended they be deported and sent back so the United States can send a message.

**Trump's Border Policy Seeks to Curb Trafficking of Children and Youths**

[Breitbart](#) [11/14/2018 10:39 AM, Neil Munro] reports President Donald Trump's new border rules include a clause that could sharply curb the cartels' trafficking of children and youths into the United States. Since 2016, cartel-affiliated coyotes have used the nation's lax asylum laws to deliver more than 110,000 children and youths from Central America to the United States. The government-aided business has been hidden by media and by Democrats who portray the expensively smuggled young migrants as "Unaccompanied Alien Children." President Donald Trump's new border policy seeks to shrink this organized migration by offering a narrow form of asylum to the transported children and youth — as well as adults — who illegally cross the border. The narrow form of asylum, dubbed "Withholding of Removal" could block the delivery of the children and youths to potential employers, their illegal alien parents, or to other parties. This policy could prevent the cartels' coyotes from getting paid and shrink the UAC division of the cartels' trafficking business.

[Axios](#) [11/14/2018 1:06 PM, Stef W. Kight] reports that Democratic Sens. Kamala Harris (D-Calif.) and Ron Wyden (D-Ore.) are unveiling a bill Wednesday that seeks to block Immigration and Customs Enforcement from using information collected by Health and Human Services to arrest family members or others who come forward to care for unaccompanied migrant children. Between July and September of this year ICE reportedly arrested 41 potential caretakers of unaccompanied migrant children — most of whom were in the U.S. illegally. Critics worry that the arrests have deterred potential sponsors from coming forward to take custody of these children, which has contributed to the record number of migrant minors in HHS centers and tent cities. The Families Not Facilities Act would also transfer \$220 million to HHS and FBI programs intended to care for and protect children and child migrants.

**U.S. Begins Accepting Caravan Migrants In for Asylum Claims**

[Breitbart](#) [11/14/2018 2:44 PM, Staff, 2405K] reports Mexican federal authorities at the ports of entry in Tijuana are now allowing migrants from the Central American caravan into the U.S. so they can begin asylum requests. This week, at the Chaparral Port of Entry in Tijuana, Mexican immigration officials announced 90 Central American caravan migrants would be allowed to advance to ask for asylum, journalist Rebecca Plevin reported. Twenty-five asylum seekers were allowed on Monday and 60 more on Tuesday. At El Chaparral port of entry in Tijuana, Mexican immigration officials say 90 people will be allowed to make asylum claims today. People cheer; some 25 were allowed Monday, around 60 yesterday, we hear. 370 more members of migrant caravan arrived in TJ this morning. The groups in Tijuana awaiting asylum include hundreds of members from the migrant caravan that departed in October from Honduras with the ultimate goal of reaching the U.S. border.

[KRGV](#) [11/14/2018 9:22 PM, Valerie Gonzalez, 12K, TX] reports there are two ways immigrants request asylum – through a port of entry or after crossing the river and entering the country illegally. A presidential order intends to restrict requests to ports of entry entrants only. The processing time matters for everyone. For those who are pregnant, time becomes even more important. Pedestrians won't see immigrants at the middle of the Gateway International Bridge anymore. Some are in a kind of makeshift waiting room – not the sort of place you'd expect to find people. It's an area on the Mexican side of the bridge. That's where one young woman chose to sleep, to keep herself out of the rain and cold. She's pregnant, but she's not the only one. "There's three pregnant women here. I don't know what priority we have to be sleeping on the floor, because that's what we're doing," said one pregnant woman from Cuba. The women are each six to seven months into their pregnancies. This place is the last step before they will request asylum before U.S. Customs and Border Protection officers.

### **5 Things to Know About the Asylum Process and How It Works**

[TIME](#) [11/14/2018 3:39 PM, Maya Rhodan, 3468K] reports, here are the basics of how the asylum process works. Like refugees, those seeking asylum are migrants who cannot or will not return to their country of origin out of fear that they will be persecuted based on their race, nationality, religion, or membership in a social or political group. While refugees obtain permission to come to the U.S. while living abroad, asylees obtain humanitarian protection while they are physically present in the U.S.

There are two ways to obtain asylum, affirmatively or defensively. Migrants who apply for asylum affirmatively submit a form to the U.S. Citizenship and Immigration Services within one year of arriving in the U.S., either at the U.S. border or from within the country. Those who apply defensively do so after they've been arrested and placed in expedited removal proceedings. At that point, migrant are then provided an immigration court date, during which time they will plead their case before an immigration judge. If asylum protection is granted, an asylee obtains the right to work in the U.S. and may be able to apply for some social benefits, according to the Migration Policy Institute. After a year of living in the U.S., asylees can also adjust their status to become legal permanent residents. If an asylum seeker's case is denied-which they most often are-applicants have a right to appeal. Those who don't, or those who lose their appeal, are ordered deported.

### **The Number of Asylum Seekers Has Risen by 2,000% in 10 Years. Who Should Get to Stay?**



[TIME](#) [11/14/2018 7:51 PM, Maya Rhodan] reports the number of asylum seekers has skyrocketed. In 2008, according to federal data, fewer than 5,000 people apprehended by border agents expressed fear of returning home, thereby triggering the asylum process. Ten years later, that number has soared to more than 97,000 — a nearly 2,000% increase.

President Donald Trump and many of his supporters see things differently. They argue that our asylum laws are being exploited, that the migrants who file for refugee status are only pretending to flee oppression as a way to sneak into the country through a legal back door. The Trump Administration is waging a policy war against asylum seekers. Its first big move was the family-separation policy that was designed to deter asylum-seeking families. In June, former Attorney General Jeff Sessions narrowed the U.S. asylum criteria to disqualify victims of gang or domestic violence. In October, the Trump Administration ordered thousands of active-duty troops to Texas, California and Arizona to confront a so-called caravan of Central Americans, including many likely asylum seekers, who are making their way by foot to the border. In November, Trump issued a new rule that will bar all migrants for 90 days from seeking asylum if they do not come through designated ports of entry.

In practice, that system often kicks in when people like the Fredys come face to face with immigration authorities and express a fear of returning to their home country. A trained U.S. official then interviews them to judge whether their fears are believable. In fiscal year 2018, roughly 89% of asylum seekers passed this initial "credible fear" screening, according to federal data. But the odds narrow from there. Asylum seekers are assigned a date to plead their case in immigration court, which imposes a high burden of proof. This year, judges granted asylum in only 17% of cases decided in immigration court where migrants had passed credible-fear interviews. What happens to asylum seekers who are not granted refugee status? That's where the political fight really heats up. The Trump Administration says the problem is that after asylum seekers pass their credible-fear interviews, they are released from custody to await their date in immigration court — a -system Trump calls "catch and release." With a backlog of 791,821 cases, new court dates are often months or years in the future. In fiscal year 2018, immigration judges completed just over 34,000 cases originating with a credible-fear referral, according to federal data. In nearly a third of those cases — 10,534 — migrants failed to show up at their scheduled court hearing.

### **What if we did deport all illegal immigrants?**

[News & Record](#) [11/14/2018 10:39 AM, Gary Parker, NC] reports according to President Trump immigrants supposedly are coming in waves, taking our jobs and tax dollars, committing crime after crime, and even taking over the country. But if Trump deports 11 million illegal immigrants, no doubt millions of them are adults employed in various jobs. Many of these jobs current Americans will not take. This country already has 200,000 jobs that can't be filled by employers. Work is not getting done. Imagine if millions of jobs now filled by illegal immigrants go unfilled. The negative impact on the U.S. Gross Domestic Product would be in the billions of dollars. These people are paying taxes, buying goods and services, and helping our economy.

### **Donald Trump, the Migrant Caravan, and a Manufactured Crisis at the U.S. Border**

[The New Yorker](#) [11/14/2018 12:00 PM, Jonathan Blitzer, 2055K, NY] reports since last week's midterm elections, Donald Trump has spoken less frequently about the migrant caravan, but the subject is still plainly on his mind. On Friday, he signed a Presidential proclamation, which suspended the possibility of asylum for anyone entering the country

between officially designated ports of entry. By U.S. and international law, migrants are allowed to seek asylum "Whether or not" they do so at an official checkpoint along the border; Trump's measure, which was immediately challenged by advocacy groups, including the American Civil Liberties Union, aims to override explicit provisions of an existing federal statute in order to thwart the entry of tens of thousands of Central American migrants. As Lee Gelernt, the A.C.L.U.'s lead litigator in the case, told me, "It would mean the President could literally sit down with a copy of the immigration act that Congress wrote and cross out any provision he didn't like." The night before the President issued his proclamation, members of the caravan gathered in Mexico City, where they'd paused for a week of rest, to vote on a final destination for the group. For months, the Trump Administration, which has repeatedly threatened to cut foreign aid to Central America as a form of political punishment, has tried to negotiate a special arrangement with the Mexican government. Known as a "safe third country agreement," it would, among other things, allow the U.S. to automatically send Central American asylum seekers who travel through Mexico back over the border to pursue their immigration cases there.

**Trump's nominee to lead ICE, Ronald Vitiello, faces Senate confirmation hearing**

[Washington Post](#) [11/15/2018 6:00 AM, Maria Sacchetti] reports Ronald D. Vitiello, President Trump's pick to run Immigration and Customs Enforcement, will head into a Senate confirmation hearing Thursday amid rising concerns about the agency's budget and conditions inside its jails. Vitiello, a 30-year Border Patrol veteran, is ICE's acting director. Trump tapped him in August to replace Thomas D. Homan, an outspoken leader whose nomination languished for months despite Republican control of the Senate. Homeland Security Secretary Kirstjen Nielsen, whose tenure in the administration may be nearing its end, named Vitiello acting director in June, calling him "an experienced and well-respected career law enforcement officer who will be a strong advocate for the agency's workforce." The hearing is scheduled to begin at 10 a.m. before the Senate Homeland Security and Governmental Affairs Committee. In October, a report issued by the Department of Homeland Security's Office of Inspector General said an unannounced visit to a private, for-profit immigration jail in California discovered cells with nooses dangling from air vents, poor dental care and other violations of federal detention standards. The facility is run by GEO Group, which owns and operates 71 federal prisons and detention centers nationwide. Democrats have also criticized DHS for transferring funds from the Federal Emergency Management Agency and other agencies to immigration enforcement to cover its costs. In August, ICE asked Congress for an additional \$1 billion to cover rising costs associated with arrests and deportations. Congress funded ICE for an average of 40,520 beds per day, but in September the agency detained as many as 44,000 a day. ICE spokeswoman Danielle Bennett said the agency's average daily number of detainees was 42,105 so far this fiscal year.

The [New York Times](#) [11/15/2018 4:00 AM, Ron Nixon] reports Ronald D. Vitiello's overarching concern on Thursday at his Senate confirmation hearing may not be whether he becomes the next director of Immigration and Customs Enforcement — but whether the agency remains intact. Mr. Vitiello is expected to face stiff opposition from at least some Democrats who have demanded that ICE be abolished for enforcing the Trump administration's hard-line immigration policies. The agency has become a political flash point for its role, which has included arresting, detaining and deporting thousands of undocumented migrants — many of whom have no criminal records. Photographs and videos of raids at worksites or of ICE agents arresting undocumented immigrants have incited a backlash. Those who have worked with Mr. Vitiello, who has been the acting

director of the agency since June, said he was a quiet and thoughtful leader willing to engage with people who have opposing opinions.

Additional reporting:

[Washington Examiner](#) [11/15/2018 5:30 AM, Anna Giaritelli, DC]

### **Former ICE Director Tom Homan Thanks Fox News For Defending Agency Against 'Abolish ICE' Movement**

[Mediaite](#) [11/14/2018 9:02 AM, Caleb Ecarma] reports that former U.S. Immigration and Customs Enforcement director and current Fox News contributor Tom Homan thanked the network for their help in supporting the agency amid calls for its removal. "With the help of Fox News, and myself, and the president, we're all just saying, look, abolishing ICE equals open borders, because, if you get into the country illegally, no one's going to look to for you to remove you, which is going to be a further enticement," Homan said while on Fox News today. "Abolishing ICE is enticing people to come, sanctuary cities entices people to come." The "abolish ICE" movement became widely popular among progressives in the build-up to the 2018 midterm elections, with many Democratic representatives and some senators either signing on to the cause or calling for notable reforms to the agency. ICE as a progressive target reached its highest point when the Trump administration was enacting its family separation policy at the border.

During the segment, Homan also said ICE will "be hit hard with budget" cuts by Democrats. "I think the House Appropriations — which will be under the control of the Democrats here soon — I think they're gonna' look to cut the ICE budget, which means it'll fund less beds which equals less arrests, less deportations, and more catch and release," he said. "I certainly think it'll be a struggle with the House under Democratic control, because they don't want immigration enforcement." He concluded his message by saying, "They may not abolish ICE, but they're going to strangle them on funding." [Editorial note: consult source link for video]

Reported similarly: [Newsmax](#) [11/14/2018 10:59 AM, Eric Mack, FL]

### **Thomas Homan, a possible replacement for DHS secretary Kirstjen Nielsen, praises her leadership**

[Washington Post](#) [11/14/2018 7:23 AM, John Wagner, 11653K] reports that Thomas Homan, a tough-talking former Trump administration immigration official who has been touted as a possible replacement for Homeland Security Secretary Kirstjen Nielsen, offered nothing but praise Wednesday for the current occupant of the job. The Washington Post reported this week that President Trump has told advisers he has decided to remove Nielsen, in part because of what he views as her lackluster performance on immigration enforcement and that he is looking for someone to more forcefully implement his agenda. Homan, a former acting director of U.S. Immigration and Customs Enforcement who appears regularly on Fox News, said during an interview with the network that he considers Nielsen "a strong secretary."

"With immigration, you know, 50 percent of America hates you 100 percent of the time," Homan said on "Fox & Friends." "You can't win on this topic because it's so divisive, so controversial, so emotional, but I think she's working hard and doing a good job." Homan, a former police officer and Border Patrol agent, said his phone "blew up" amid reports that

Trump is planning to replace Nielsen. But he would not speculate about what the president might do. "I think we've got a secretary in place; I think we need to support her," Homan said.

The [Washington Examiner](#) [11/14/2018 5:53 PM, Anna Giaritelli, 567K, DC] reports two directors of agencies within the Homeland Security Department have emerged in recent conversations with current and former senior DHS officials as the most likely people to succeed Secretary Kirstjen Nielsen if she is terminated by President Trump in coming weeks. The names of David Pekoske, the administrator of the Transportation Security Administration, and Kevin McAleenan, the commissioner of U.S. Customs and Border Protection, were the first to be cited by a handful of sources familiar with talks about what to do if Nielsen is forced out after 11 months on the job.

Reported similarly:

[The Hill](#) [11/14/2018 8:10 AM, Brett Samuels, 2630K]

[Politico](#) [11/14/2018 9:35 AM, Caitlin Oprysko]

[FOX News](#) [11/14/2018 7:50 AM, Staff]

[FOX News](#) [11/14/2018 7:24 AM, Staff, 10787K]

### **DHS replacement will face same border challenges**

[Washington Post](#) [11/15/2018 5:24 AM, Colleen Long and Jill Colvin] reports President Donald Trump and Homeland Security chief Kirstjen Nielsen never quite clicked personally as the president chafed at her explanations of complicated immigration issues and her inability to bring about massive changes at the U.S.-Mexico border. With Nielsen's departure now considered inevitable, her eventual replacement will find there's no getting around the immigration laws and court challenges that have thwarted the president's hard-line agenda at every turn — even if there's better personal chemistry. The list of potential replacements for Nielsen includes a career lawman, two military officers and former acting U.S. Immigration and Customs Enforcement head Thomas Homan — a tough-talker who echoes Trump's border rhetoric. Trump said in an interview with The Daily Caller on Wednesday that he'd make a decision on homeland security "shortly." Potential candidates include U.S. Customs and Border Protection Commissioner Kevin McAleenan, and two military officers — Transportation Security Administration head David Pekoske, formerly of the Coast Guard, and Maj. Gen. Vincent Coglianese, who runs the Marine Corps Installations Command, according to people familiar with the discussions. Homan is regarded as a top pick, according to people familiar with the discussions. He was nominated by Trump to lead Immigration and Customs Enforcement, but stepped down before he was confirmed, and it's not clear if his nomination would pass the Senate or if he'd even be up for the job. He left in part because he wanted to spend more time with his family. "I won't speculate what the president will do," he said on Fox News, but praised Nielsen as a "strong secretary" and said she was succeeding in a difficult job. "It's a 24/7/365 job," Homan said. "Fifty percent of America hates you 100 percent of the time, you can't win on this topic because it is so divisive."

### **U.S. awards second border wall contract in Texas**

[Washington Post](#) [11/14/2018 11:22 AM, Associated Press] reports that the U.S. government has awarded a \$167 million contract to build 8 miles (13 kilometers) of border wall in south Texas. U.S. Customs and Border Protection announced the contract Wednesday. Construction will begin in February. CBP already announced a \$145 million

award for another 6 miles (10 kilometers) in South Texas' Rio Grande Valley. Galveston, Texas-based construction firm SLSCO won both contracts. CBP says it plans to install fence posts on the levee north of the Rio Grande, the river that separates the U.S. and Mexico in Texas, as well as lighting, patrol roads, and the clearing of vegetation. Environmental advocates warn that construction will damage sensitive areas and endanger wildlife. President Donald Trump has made the border wall a priority, promising during his campaign that Mexico would pay for it.

**[VT] Immigrant advocates protest proposed federal policy change**

[VT Digger](#) [11/14/2018 5:11 PM, Mike Faher, 18K VT] reports a proposed shift in federal policy affecting immigrants who access public benefits is causing alarm among health and legal advocates in Vermont. Experts say the controversial expansion of the so-called "public charge" rule likely would impact few immigrants currently living in Vermont. The possibility of any impact at all – along with concern that immigrants might forgo essential benefits due to confusion about governmental policy – has spurred a call for Vermonters to send comments opposing the policy change to federal officials before a Dec. 10 deadline.

The U.S. Department of Homeland Security announced in September a proposed change to who might qualify as a "public charge," an immigration term meaning a person who likely would be dependent on governmental programs and benefits. Homeland Security's proposed rule would greatly expand the public charge test by allowing federal officials to consider an immigrant's participation in programs including Medicaid, the Supplemental Nutrition Assistance Program; Medicare Part D low-income subsidies; and federally subsidized rental assistance.

**[NJ] Middlesex County immigration policy could lead to more tragedies**

[My Central Jersey](#) [11/15/2018 6:00 AM, Nick Muscavage, NJ] reports federal immigration officials are calling on local municipalities to comply with their policies after an illegal immigrant was released from the Middlesex County Jail before allegedly murdering three people in Missouri. Luis Rodrigo Perez, 23, who is being held without bail in Greene County, Missouri, was released from the Middlesex County Jail earlier this year after an ICE Enforcement and Removal Operations (ERO) detainer was declined, according to a news release from ICE. "This case is unfortunately a tragedy that happened that may have been avoided," John Tsoukaris, the field office director for ICE Enforcement and Removal Operations in Newark, said in an interview with My Central Jersey this week. "The only county jail right now in the state that refuses to work with us is the Middlesex County Jail."

**[MI] Kalamazoo rejects \$92K police grant over immigration enforcement**

[Michigan Live](#) [11/14/2018 1:43 PM, Malachi Barrett, 531K, MI] reports Kalamazoo will pass up \$92,000 in federal funds to stay out of immigration enforcement. The City Commission passed a July resolution prohibiting resources from assisting federal agencies in separating undocumented children from their families and detaining people based on their immigration status. The city won't accept a U.S. Department of Justice grant due to concern that requirements to comply with immigration enforcement would clash with the resolution. City Manager Jim Ritsema said there wasn't enough time to definitively answer whether the grant would violate Kalamazoo's immigration stance before a Nov. 16 deadline.

Reported similarly: [WWMT](#) [11/14/2018 11:44 PM, Anna Giles, 26K, MI]



### **[CA] San Diego County Holds Forum On ICE, Law Enforcement Access**

[San Diego Patch](#) [11/14/2018 1:06 PM, Staff, CA] reports that county officials briefed the Board of Supervisors Tuesday on their efforts to comply with a state law regarding Immigration and Customs Enforcement access to jail inmates. The state Transparent Review of Unjust Transfers and Holds Act, which took effect last year, calls for a governing board of a county where law enforcement has allowed for ICE access to immigrants to hold at least one community forum. During Tuesday's forum the San Diego County Sheriff's Office said that in 2017, 1,143 individuals were released to ICE, accounting for 1.4 percent of the total releases. County Undersheriff Mike Barnett told supervisors that Sheriff Bill Gore "firmly believes our policy and practice is the right approach. We've strictly complied with all applicable laws." The Sheriff's Department cannot use resources to arrest people for immigration-related purposes, and inmates cannot be held past their release date. If law enforcement provides ICE with notice that an inmate is being released, the inmate is also notified, according to the Sheriff's Department. Consent forms are provided in numerous languages, including Spanish and Vietnamese. According to the Sheriff's Department, 195 people consented to an ICE interview without an attorney, while 597 people had release dates provided to ICE.

### **[CA] Morning Report: New Numbers Shed Light on ICE Interactions in Local Jails**

[Voice of San Diego](#) [11/14/2018 7:30 AM, Staff, 13K, CA] reports that before there was the so-called sanctuary state legislation, there was the Truth Act. The state law, which went into effect in 2017, requires immigrants in local jails to be notified that they can refuse an interview with ICE at no penalty to themselves. Yet the proportion of people who consent to an interview without a lawyer present appears to be growing, according to data released at a county forum Tuesday. Maya Srikrishnan reports that immigrant rights advocates were surprised about the data. "Most people should be outright denying the ICE interview," if protocol is being appropriately followed, said Felicia Gomez, policy coordinator of the California Immigrant Policy Center. According to other data presented at the legally mandated forum, the number of immigrant detainees released to ICE by the County Sheriff's Department has gone down overall, because of the California Values Act.

## **Legal News**

### **Lawyers seek 'Apprentice' tapes in Trump immigration suit**

[Washington Post](#) [11/14/2018 11:10 AM, Alanna Durkin Richer] reports that lawyers suing President Donald Trump over his decision to end special protections shielding certain immigrants from deportation are seeking unaired footage from his reality TV show "The Apprentice" to try to bolster their case alleging the move was racially motivated, the attorneys said Wednesday. Lawyers for Civil Rights, which sued Trump in February, has issued subpoenas to MGM Holdings Inc. and Trump Productions LLC demanding any footage shot during the production of the show in which Trump "uses racial and/or ethnic slurs" or "makes remarks concerning race, nationality and/or ethnic background." Former White House staffer and fellow reality-TV star Omarosa Manigault Newman claimed without evidence in a book released in August, "Unhinged," that a tape exists of the president using the N-word on the reality show's set. Trump has denied the existence of such tapes, tweeting that the show's producer told him "there are NO TAPES of the Apprentice where I used such a terrible and disgusting word as attributed by Wacky and Deranged Omarosa." "I don't have that word in my vocabulary, and never have," Trump said.

The case filed in Boston's federal court centers on the Trump administration's decision to end temporary protected status for thousands of immigrants from Haiti, El Salvador and Honduras. Temporary protected status provides safe havens for people from countries experiencing armed conflicts, natural disasters and other challenges. Lawyers for Civil Rights says in the lawsuit that Trump's move to rescind the program was rooted in animus against immigrants of color, citing comments he made on the campaign trail and in office.

[Law 360](#) [11/14/2018 4:22 PM, Kevin Penton] reports several nonprofits and immigrants who alleged in Massachusetts federal court that "racial animus" fueled the Trump administration's decisions to end temporary protected status for Haitians, Salvadorans and Hondurans sought copies Tuesday of recordings from "The Apprentice" that purportedly show Donald Trump making racially insensitive remarks during the filming of the reality television show. Centro Presente, Haitian-Americans United Inc. and the immigrants want MGM Holdings Inc. and Trump Productions LLC to release footage captured during the taping of the former NBC show in which Trump may use either "racial and/or ethnic slurs" or make "remarks concerning race, nationality, and/or ethnic background," according to the subpoenas.

Reported similarly: [The Hill](#) [11/14/2018 10:47 AM, Brett Samuels]

**The government pays for migrant children's lawyers. Challenge the government, and they can lose their funding**

[Reveal](#) [11/14/2018 9:00 AM, Patrick Michels] reports that the U.S. refugee agency that cares for children who have crossed the border alone has for years threatened to cut off funding to legal advocates if they challenge a child's detention or placement in juvenile jails, according to attorneys who have worked within the system. Without legal help to protest the government's decisions, many migrant children end up separated from their families for longer, languishing in detention without an avenue for appeal. By law, migrant children in federal custody are supposed to get free legal help. But in the fraught relationship between the lawyers who advocate for detained migrant children and the agency that holds them, the Office of Refugee Resettlement wields powerful leverage: It pays the lawyers' salaries.

**[VT] Lawsuit Alleges Farmworkers Targeted For Activism With Surveillance, Informant**

[Vermont Public Radio](#) [11/14/2018 6:02 PM, John Dillon, 13K, VT] reports undocumented farmworkers in Vermont say they are being unlawfully targeted by federal immigration authorities for their activism on behalf of fellow migrants. The allegations are laid out in a new federal lawsuit brought by Migrant Justice and several of its members. Immigration activist Enrique Balcazar said at a rally Wednesday at the federal courthouse in Burlington that dozens of his colleagues have been arrested and deported, some solely because of their work on behalf of undocumented workers. "In the past two years alone there have been over 40 community members associated with Migrant Justice who have been arrested by federal immigration authorities," he said through an interpreter. The suit seeks a court order halting what Migrant Justice says is unconstitutional harassment and surveillance.

[U.S. News & World Report](#) [11/14/2018 5:30 PM, Lisa Rathke] reports the lawsuit accuses the agencies, with the help of the Vermont Department of Motor Vehicles, of conducting a multi-year operation to surveil, harass, arrest and detain the member leaders. ICE said it could not comment on pending litigation. The Department of Homeland Security had no

comment.

Reported similarly:

[NBC Boston](#) [11/14/2018 6:53 PM, Jack Thurston, MA]

[WAMC](#) [11/14/2018 6:37 PM, Pat Bradley, 11K, NY]

[Seven Days Vermont](#) [11/14/2018 12:11 PM, Kymelya Sari, 31K, VT]

[VT Digger](#) [11/14/2018 12:13 PM, Alan J. Keays, 18K, VT]

[The Guardian](#) [11/14/2018 2:35 PM, Amanda Holpuch, 55864K, UK]

**[NY] State, Local Cops May Not Make Immigration Arrests, NY Appeals Court Rules**

[New York Law Journal](#) [11/14/2018 7:02 PM, Andrew Denney, NY] reports nothing in New York law gives state and local law enforcement agencies the authority to detain inmates for U.S. Immigration and Customs Enforcement on immigration charges, a state appeals court said in a ruling aimed at a policy initiated by Suffolk County officials. The unanimous ruling by the Appellate Division, Second Department rejected the Suffolk County Sheriff's Department's policy of keeping inmates who are the subjects of ICE detention or deportation orders for up to 48 hours after the time that they normally would have been released and immediately notifying immigration authorities. While inmates are under the 48-hour immigration hold, their paperwork is rewritten to state that they are in federal custody, and they are placed in cells that ICE rents out in the county lockup. Writing for the panel, Presiding Justice Alan Scheinkman noted that immigration violations are civil, rather than criminal, in nature, and that warrants for civil offenses must be issued by a court.

[Newsday](#) [11/14/2018 8:21 PM, Yancey Roy, NY] reports in a case originating in Suffolk County, a court ruled Wednesday that state and local law enforcement have no authority to arrest people on behalf of the federal Immigration and Customs Enforcement agency for deportation purposes. The Appellate Division of the state Supreme Court determined the Suffolk County Sheriff's Department, directed by then-Sheriff Vincent F. DeMarco, unlawfully detained Susai Francis in 2017 for the purposes of handing the Indian citizen over to ICE. Francis, a longtime Long Island resident, had been arrested and pleaded guilty to disorderly conduct charges and was sentenced to time served. Instead of being released, he was detained at a county jail in Riverhead. Two days later, ICE agents retrieved Francis and brought him to a federal facility to begin deportation proceedings. Francis should have been released from Suffolk custody and not turned over to the federal authorities, the court ruled in a 4-0 decision.

[WNYC](#) [11/14/2018 5:57 PM, Beth Fertig, 150K, NY] reports the case involved Susai Francis, an Indian national living on Long Island who overstayed a visa in the 1990s. After an arrest in Nassau County in June, 2017, for driving under the influence, he was transferred to Suffolk County to complete a different proceeding there involving a criminal charge. In December, he pleaded guilty to disorderly conduct and was sentenced to time served. But instead of letting him leave court, Suffolk police rearrested him at the request of Immigration and Customs Enforcement. He was taken to a jail cell in Riverhead rented by ICE. On Wednesday, a three-judge appellate court panel found this violated state law because the Suffolk police went beyond their authority.

**[NY] Albany County using federal funds to give legal help to immigrants in county jail**

[Times Union](#) [11/14/2018 1:42 PM, Mallory Moench, 118K, NY] reports Albany County is using funds from the federal government to pay for legal services for close to 200

immigrants detained in Albany County Jail – the first program of its kind in the state. Albany County Sheriff Craig Apple announced Wednesday that the County Legislature will use \$170,000 from nearly \$4 million in revenue from U.S. Immigration and Customs Enforcement for detaining immigrants at the county jail since June. Another \$1 million is expected before the end of 2018. Apple and legal service providers say the hundreds of migrants who arrived at Albany County Jail fled violence in 27 countries to seek asylum at the southern U.S. border. More than 200 individuals who arrived this summer have since been transferred to Batavia Federal Detention Facility near Buffalo or released, a U.S. Immigration and Customs Enforcement spokesman said.

Reported similarly:

[CBS 6 Albany](#) [11/14/2018 6:18 AM, Staff, NY]

[WAMC](#) [11/14/2018 12:36 PM, Lucas Willard, 11K, NY]

**[FL] Miami-Dade Can Be Held Liable for Detaining U.S. Citizen for ICE, Judge Rules**

[Miami New Times](#) [11/14/2018 8:00 AM, Jerry Iannelli, 91K, FL] reports that Garland Creedle is an American citizen. But he nevertheless spent a night in a Miami-Dade County jail waiting to be deported in 2017, thanks to a mistake by U.S. Immigration and Customs Enforcement. So, he and the American Civil Liberties Union sued ICE and Miami-Dade County in July 2017 – and a federal court moved the case forward last week, ruling that Creedle has made a compelling case he was falsely imprisoned and had his civil-rights violated due to a policy that Miami-Dade County Mayor Carlos Gimenez implemented to appease President Donald Trump. On Friday, U.S. District Court Judge Kathleen Williams ruled that Creedle had "plausibly alleged that his Fourth Amendment rights were violated when the County arrested him pursuant to a detainer because the County was not authorized under either state or federal law to effectuate an arrest without a warrant or probable cause that he had committed a crime."

Reported similarly:

[Daily Business Review](#) [11/14/2018 10:56 AM, Zach Schlein]

[Westside Gazette](#) [11/14/2018 12:13 PM, Carma Henry, FL]

**[NM] Immigrants Slap NM Detention Center With \$5M Wage Suit**

[Law 360](#) [11/14/2018 5:39 PM, Kevin Penton] reports a putative class of immigrant detainees who claim their wages were stolen by the owner of a privately run detention facility in New Mexico sued the company for over \$5 million in Maryland federal court on Wednesday, alleging the facility failed to pay them adequate wages. The three men from Cameroon want CoreCivic Inc. to pay them and other similarly situated detainees who labored at Cibola County Correctional Center in Milan, New Mexico, at least \$5 million after the company allegedly violated the Fair Labor Standards Act and the New Mexico Minimum Wage Act by paying them as little as \$1 a day for "volunteer" work at the site, according to the complaint filed in the District of Maryland. Desmond Ndambi, Mbah Emmanuel Abi and Nkemto Moses Awombang, who are no longer at the center and are residing in states such as Maryland and Ohio, seek to represent a class of current and former detainees who allegedly performed work such as laundry, general maintenance and preparing and serving meals in exchange for the pay, according to the complaint.

Reported similarly: [Eloy Enterprise](#) [11/14/2018 3:05 PM, Russell Contreras, 9K, AZ]

### **[OR] January Case Could Bring Clarity To Oregon's Sanctuary Law**

[Oregon Public Broadcasting](#) [11/14/2018 6:50 PM, Conrad Wilson, 54K, OR] reports a Wasco County Circuit Court judge will hear a case in January that could dramatically define – and clarify – Oregon's statewide sanctuary law for the first meaningful time in the law's 31-year history. While the law has been the subject of past litigation, no court has outlined the scope of what's allowed under the anti-profiling legislation signed into law in 1987 with overwhelming bipartisan support. In July 2017, a group of county residents sued the Northern Oregon Correctional Facility in The Dalles because the jail houses detainees for U.S. Immigration and Customs Enforcement. The residents argue the agreement between NORCOR and ICE violates Oregon's sanctuary law, which limits how much local law enforcement can work with federal immigration authorities. NORCOR is part of a network of more than 130 facilities in 40 states that ICE uses to hold detainees through Intergovernmental Service Agreements, according to the deposition of Corey Heaton, assistant field office director for ICE's Enforcement and Removal Operations in Portland. "Preventing ICE from using its contracted bed space at NORCOR would also have a significant adverse impact on basic ICE operations by curtailing ICE's ability to apprehend removable aliens," Heaton said in a September 2017 deposition.

### **[CA] Feds Try To Dodge LA's Challenge Of 'Sanctuary' Rules**

[Law 360](#) [11/14/2018 7:51 PM, Suzanne Monyak] reports the U.S. Department of Justice is battling back a challenge lodged by the city of Los Angeles to conditions placed on federal funding grants for fiscal year 2018, continuing the Trump administration's multifront fight against so-called sanctuary cities that want to restrict local law enforcement's cooperation with federal immigration authorities. The Justice Department urged a California federal court on Tuesday to scrap the West Coast city's lawsuit, which is contesting certain conditions imposed on two federal programs to fund local law enforcement initiatives that would require recipients to share immigration-related information with federal authorities. The federal government argued in its motion to dismiss that the conditions attached to the funding programs, known as the Gang Suppression Planning Grants Program and the Edward Byrne Memorial Justice Assistance Grant Program, are constitutional and legal under the Immigration and Nationality Act.

## **Enforcement News**

### **[MA] ICE uncovers rape suspect's true identity, moves to take custody**

[Boston Herald](#) [11/15/2018 5:30 AM, Alexi Cohan, MA] reports the hidden identity of a Lawrence man charged with two counts of child rape has been revealed — along with his illegal immigration status, according to U.S. Immigration and Customs Enforcement spokesman John Mohan. An immigration detainer request was issued with the Essex County House of Corrections for Robely Eladio de Jesus Guerrero, also known as "Jonathan Llopiz," who was charged with raping two girls under the age of 11. "Following an investigation, ICE determined that de Jesus Guerrero is a citizen and national of the Dominican Republic. ICE ERO (Enforcement and Removal Operations) will seek to take him into custody upon the resolution of his pending criminal charges in order to commence removal proceedings," said Mohan in a statement.

### **[NJ] Mexican nationals busted in NJ with \$3M in drugs, cops say**



[New Jersey 101.5](#) [11/14/2018 1:11 PM, Adam Hochron, 43K, NJ] reports two Mexican residents headed to Bergen County with a large supply of illegal drugs are now in jail and facing deportation back to their native country. Romulo Chaidez Medrano, 26, and his older brother, Arcenio Chaidez Medrano, 36, were arrested by police on Friday after law enforcement learned they were carrying the drugs, according to Acting Bergen County Prosecutor Dennis Calo. While in custody, they were found with 13 kilograms of crystal meth, 3.5 kilograms of heroin, more than 6,000 fentanyl tablets, and 3 pounds of raw fentanyl, Calo said. The acting prosecutor said the drugs have a combined street value of \$3 million. The Ridgefield Park Daily Voice reported ICE has put immigration detainees on both men.

**[TN] Salvadoran journalist may face deportation from U.S. after board denies his appeal**

[University of Texas](#) [11/14/2018 6:53 PM, Teresa Mioli, TX] reports a Salvadoran journalist who was detained by U.S. immigration officials following his arrest while reporting on an immigration protest may now face deportation after a denial from the Board of Immigration Appeals (BIA). "I want to say that now my situation is a danger of deportation to my country, when I know perfectly well that I cannot return to my country, and I have been saying it to the point of exhaustion and my lawyers have said it to the point of exhaustion, that there is a danger if I return to my country. I must not return," Manuel Durán Ortega told reporters on Nov. 13 during a conference call from detention at the LaSalle ICE Processing Center. Durán, owner and journalist of the Spanish-language news site Memphis Noticias in Tennessee, fled El Salvador in 2006 due to death threats, according to Reporters Without Borders. On April 3, 2018, he was arrested while covering a protest against U.S. immigration policies. The journalist was charged with disorderly conduct and obstruction of a highway, but those were later dropped and his case was dismissed. However, Durán was turned over to U.S. Immigration and Customs Enforcement (ICE) on April 5. He has been in detention since. Durán told reporters about the environment in detention, which he said has included a transfer "chained like a criminal," bad food, unhygienic conditions and very cold rooms. At Pine Prairie, in Louisiana, for example, he said they were without toilet paper for two weeks. Bryan D. Cox, spokesman for ICE, said "all ICE detention facilities are subject to regular inspections, both announced and unannounced, and the LaSalle ICE Processing Center has repeatedly been found to operate in compliance with ICE's rigorous Performance Based National Detention Standards." In April, lawyers for Durán filed a petition for writ of habeas corpus, but the U.S. District Court for the Western District of Louisiana denied the petition in September. They also filed a motion to reopen his proceedings with an immigration court in Atlanta, Georgia, Lapointe said. According to the lawyer, in 2007, an immigration court in Georgia ordered Durán's removal from the U.S. The lawyer said they wanted to reopen the removal proceedings so Durán could apply for asylum, on the basis that he never received notice of the removal hearing in 2007 and that conditions for journalists in El Salvador had gotten worse, she added. An immigration judge denied the motion.

**[TN] Whereabouts of Alleged Illegal Immigrant Who Killed Tennessee Woman Unknown**

[Tennessee Star](#) [11/15/2018 6:00 AM, Chris Butler, TN] reports the current whereabouts of a man who allegedly drove drunk and killed a 29-year-old Bedford County woman and was taken into custody for it last month are unknown, even to Bedford County Sheriff Austin Swing. That man, Omar Edgar Torres-Rangel, is an illegal immigrant, according to sources.

Officials with the Tennessee Highway Patrol worked the crash scene the night of Oct. 21. Torres-Rangel sustained critical injuries. According to numerous sources, authorities transported Torres-Rangel to Vanderbilt University Medical Center in Nashville. What happened to him afterward is a mystery. As reported, one Bedford County commissioner, who asked that we not disclose his name, at least not now, wrote a letter to U.S. Immigration and Customs Enforcement agents and asked for their help with illegal immigrant activity. In the letter, that commissioner cited the Torres-Rangel case.

**[SC] Illegal alien pleads guilty in South Carolina to unlawfully entering U.S. for 6th time**

[ABC 4 Charleston](#) [11/14/2018 6:16 PM, Staff, 15K, SC] reports United States Attorney Sherri A. Lydon announced Wednesday that Paulino Luna-Gonzalez, 45, a Mexican citizen, pled guilty in federal court to illegally re-entering the United States after being deported. Evidence presented to the court showed that on May 13, 2018, Immigration and Customs Enforcement-Enforcement and Removal Operations Deportation Officers discovered Luna-Gonzalez while he was in custody at the J. Reuben Long Detention Center in Horry County on state charges, according to Lydon. Immigration records revealed that Luna-Gonzalez was a native and citizen of Mexico who had previously been deported from the United States on five separate occasions. Luna-Gonzalez has never received permission to enter or remain in the United States. Luna-Gonzalez faces a maximum penalty of 10 years in federal prison.

**[TX] Sex Offenders, Gang Members Apprehended near Texas Border**

[Breitbart](#) [11/14/2018 12:15 PM, Bob Price, 2405K] reports Rio Grande Valley Sector Border Patrol agents stopped migrants with histories of violence, gang membership, and sex offenses from successfully making their way into the U.S. interior. The arrests occurred in multiple incidents over the Veteran's Day holiday weekend. Agents assigned to the McAllen Border Patrol Station arrested a migrant who illegally crossed the border near Mission, Texas, on the afternoon of November 12. During an immigration interview, the agents learned that the migrant came from El Salvador. A criminal history check revealed sexual abuse of a child or minor. Later that day, McAllen Station agents apprehended a Guatemalan national near Sullivan City. The agents arrested the illegal immigrant and transported him for processing and a background investigation. Agents found court records that indicated the Guatemalan received a conviction from a court in Los Angeles, California, in 2016 for lascivious acts with a child.

**[KS] Still worried about deportation, Syed Jamal calls for immigration reform**

[KMBZ](#) [11/14/2018 5:35 AM, Bill Grady, 145K, KS] reports that Syed Jamal, the college chemistry teacher whose near-deportation drew national attention to Lawrence, told his story at a roundtable discussion at Park University, and he expressed hope that others could be spared the trouble he has experienced. Jamal was arrested at his home in Lawrence last January. ICE agents handcuffed Jamal before he had time to say goodbye to his wife and three children. Jamal, who had been in the United States more than 30 years, was jailed multiple times and just short of being sent back to his native Bangladesh before he was finally granted a stay. He is calling for changes in immigration policy, something he believes could be more likely, in light of last week's midterm elections. Jamal said he checked in with immigration officials regularly, although his work visa had expired. He expected a hearing in April, but said he was told it could come later this month.

**[AZ] Yuma BP agents apprehended 654 people in 2 days**

[Tucson Sentinel](#) [11/15/2018 10:59 AM, Paul Ingram, 4K, AZ] reports in two days, 654 people surrendered themselves to Yuma-area Border Patrol agents, including a group of Guatemalans who waded across the Colorado River and walked around vehicle barriers, authorities said. Around 8:30 p.m., Monday night, a group of 55 people waded across the Colorado River and turned themselves in to agents, said Justin Kallinger, a Border Patrol spokesman. In video released by the agency, a group of women and children walk along the alluvial sand to a waiting Border Patrol truck and a bus, ready to take them to the nearby station. Most of the people were traveling from Guatemala, and were either in family units or were unaccompanied children, Kallinger said. They were one of several groups that recently entered the U.S. in the Yuma Sector. They are not believed to be "associated with the large caravan being monitored traveling through Mexico at this time," Kallinger said, referring to the exodus of people who have traveled through southern Mexico almost entirely on foot after leaving Honduras. Like previous groups, after their apprehension the families asked for asylum, and will be handed over to U.S. Immigration and Customs Enforcement, an official said.

**[CA] Driver accused of DUI crash to be sentenced for immigration violations**

[ABC 10 News](#) [11/14/2018 2:48 PM, Jermaine Ong, CA] reports a man involved in a DUI hit-and-run crash that seriously injured a young boy in the South Bay is expected to be sentenced Wednesday for violating federal immigration laws. Constantino Banda Acosta, a Mexican national who had previously been deported from the U.S. at least 15 times in the past, has been in federal custody since March over federal criminal re-entry charges. He was transferred to federal custody after charges against him stemming from a 2017 crash were dismissed. Banda was initially charged with drunk driving and hit-and-run after authorities said he ran a stop sign at Dairy Mart Road and slammed his pickup truck into the Lake family's car as they were heading home from a Disneyland trip. Banda left the scene but was arrested about two miles away after Border Patrol agents spotted his damaged truck parked on a street, police said.

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Friday, Nov. 16, 2018**

## **Executive Office for Immigration Review**

Justice Department says president can deny asylum to those who entered U.S. at wrong places..... 3

Set up a port court to adjudicate these thousands of asylum claims..... 3

Immigrant requests for asylum face four year backlog ..... 3

The U.S. now has even more leeway to start deportation proceedings for immigrants..... 4

## **Policy and Legislative News**

About a dozen members of migrant caravan arrested for trying to illegally cross U.S. border, source says..... 4

As Migrants Line Up, Hoping for Asylum, a Quiet Day at a Busy California Border ..... 5

Caravan Migrants Admit They Are Job-Seekers: 'I Know I'm Not Getting Asylum' ..... 5

Mexican Government Aids Trump Border Reforms by 'Metering' Caravan Asylum-Seekers ..... 6

Pentagon: Troop contingent on border 'pretty much peaked' ..... 6

Arizona Residents, Officials Skeptical As Border Troops Move In ..... 7

Rep. Cuellar questions border patrol shift to California ..... 7

Caravan arrives in El Paso to protest kids' detention center ..... 7

Finally Reunited With Her Child, Migrant Mother Has A Warning For Caravan ..... 8

Trump's nominee to lead ICE won't rule out separating migrant families again.... 8

Trump Pick To Head ICE Promises To Communicate Mission..... 9

ICE head denounces vitriol, apologizes for tweet ..... 10

Accenture workers join tech protests of contracts with U.S. border enforcement ..... 10

[MD] Students protest, petition to urge Hopkins, University of Maryland to cut ties with ICE ..... 11

[MI] Kalamazoo County Sheriff discusses police cooperation with immigration officials ..... 11

[TX] Expanding migrant children 'tent city' draws protests ..... 11

[CA] Watchdog group wants L.A. County Sheriff's Department to stop giving ICE access to jails ..... 12

## Legal News

Judge signals he'll approve settlement over family separations ..... 12

San Diego judge officially OK's family separation agreement; new asylum interviews already underway ..... 12

9th Circ. Shouldn't Have Halted Rescission Of DACA..... 13

DACA's Path Remains Uncertain Post-9th Circ. Ruling ..... 13

Challenge To Refugee Office Procedures Mostly Survives ..... 14

Network of local immigrant legal defense funds expanding ..... 14

[VT] Groups Accuse ICE Of Targeting Immigrant Activists..... 14

[CT] They took sanctuary in a Connecticut church — but did not hide from immigration officers ..... 15

[MA] ACLU Sues Boston Police For Access To Gang Database ..... 16

[NY] Immigration judge to issue decision in Mt. Kisco synagogue custodian's asylum appeal ..... 16

[NY] Local Police Can't Detain Immigrants For ICE, NY Court Finds .. 16

[NJ] Immigration detainees from Indonesia are freed on bond..... 17

[TX] ICE responds to allegation involving detained woman in Hutto..... 17

[CO] Denver announces plans to expand immigration legal help program ..... 18

[CO] ICE Courthouse Arrest Raises Questions About Trust And Safety ..... 18

[CA] State back limits on assisting feds on immigration..... 18

[CA] Family continues fight to sue SF over Kate Steinle's fatal shooting ..... 19

## Enforcement News

Immigration arrests on public lands jump under Trump, Interior Dept reports 4K arrests since May ..... 19

Prison Reform Plan to Make Deporting Criminal Foreigners More Difficult ..... 19

Apprehended Border Crossers Spend an Average of 39 Hours in Detention: Evidence from 2014 and 2015..... 20

[MA] Anti-ICE protest calls out DCF in separation case ..... 20

[TN] Two-week stay of deportation for Manuel Duran while court panel reviews case..... 21

[NC] Kinston businessman sentenced for employing an illegal alien..... 21

[SC] Mexican citizen charged with six-time illegal border entry ..... 21

[GA] Mother of son with non-verbal autism deported back to Morocco ..... 21

[GA] Georgia Police Search for a Motive After Suspect Murders Elderly Black Neighbor, Dismembers His Body ..... 22

[AR] Dashcam video shows moment illegal immigrant suspect opens fire on Arkansas police officer ..... 22

[LA] Illegal aliens from Mexico plead guilty to re-entering U.S. after removal22

[TX] Jim Wells County deputies catch illegal immigrant smuggler near Alice.. 23

[ND] 3 arrested in 2 separate undocumented immigrant incidents on ND, Canadian border..... 23

[AZ] More than 650 illegal immigrants crossing southern border detained in Arizona over two days ..... 23

[AZ] After 2,000 Miles They Crossed the U.S. Border; Then Tragedy Struck..... 23

[OR] Oregon Jail Has Released Inmates To Save Space For ICE Detainees ..... 24



## **Executive Office for Immigration Review**

### **Justice Department says president can deny asylum to those who entered U.S. at wrong places**

[San Francisco Chronicle](#) [11/15/2018 6:57 PM, Bob Egelko, CA] reports federal law allows undocumented immigrants in the United States to apply for political asylum no matter where they entered the country. But government lawyers told a federal judge in San Francisco on Thursday that President Trump has the power to deny asylum to the thousands who crossed the southern border at the wrong places — anywhere besides the designated, overcrowded ports of entry. The law "carefully distinguishes between an alien's ability to apply for asylum and the executive's authority to deny asylum," Justice Department lawyers argued in defense of the proclamation Trump issued last Friday, in which he barred asylum for anyone crossing the U.S.-Mexico border without stopping at a port of entry. The president is seeking to "regain control of the border," they said, and his new rules "aim to save lives by discouraging asylum-seekers from making dangerous, unlawful border crossings." Asylum allows immigrants to remain in the U.S. if they can show a "well-founded fear of persecution" in their homeland for reasons such as race, religion, political views, or, under recent rulings, sexual orientation. Hours after Trump delivered his proclamation, the American Civil Liberties Union sued on behalf of asylum support groups, saying the president was violating federal law.

Additional reporting:

[The Hill](#) [11/15/2018 8:15 AM, Alex Nowrasteh]

[Dallas Morning News](#) [11/16/2018 3:00 AM, Staff, 661K, TX]

[9 News](#) [11/15/2018 12:21 PM, Kristen Aguirre, CO]

### **Set up a port court to adjudicate these thousands of asylum claims**

[Washington Examiner](#) [11/16/2018 12:18 AM, Jason Piccolo, 567K, DC] reports as a founding member of the Department of Homeland Security, I have witnessed many Executive Orders signed by sitting presidents to be enforced by fellow Homeland Security officers and agents. The most recent executive order signed by President Trump will require asylum seekers to go to a port of entry to apply for asylum. There will be no more applying for asylum after being apprehended by U.S Border Patrol agents trying to sneak through the porous U.S. border. All legal commerce will screech to a halt because those same U.S. officials processing legal entrants will have to deal with asylum seekers. Each asylum claim takes hours to process – hours that the DHS officials need to spend on processing each individual claim. There is a way to prevent this clog at the U.S. border with asylum claimants. Trump should sign an additional executive order requiring the deployment of U.S. Citizenship and Immigration Service Asylum Officers to one of ten consulates in Mexico, one consulate in Guatemala, one in Panama, one in Costa Rica, one in Nicaragua, one in Honduras, one in El Salvador, one in Guatemala and one in Belize. There is another solution to a complex problem: A "Port Court." Trump should deploy asylum officers and immigration judges to each port of entry for expedited asylum review. Applicants can make appointments, wait in Mexico, and go to Immigration Court on their assigned date.

### **Immigrant requests for asylum face four year backlog**

[San Quentin News](#) [11/15/2018 4:22 PM, William Tolbert, CA] reports President Donald Trump's immigration enforcement program is failing due to a four-year asylum hearing

backlog, an opinion article in The Hill contends. It is the immigration enforcement program's policy to deport undocumented immigrants to their country of origin, unless they express a "credible fear" of returning. An asylum officer assigned to the claim determines whether "credible fear" is present in individual cases, said Nolan Rappaport, the article's author. If the officer denies the claim, applicants can request an administrative review of the decision, which will be performed by an immigration judge. If the judge then rejects the claim, the immigrant is deported. According to the article, an ongoing shortage of immigration judges has contributed to the backlog. As of July, 330 immigration judges presided over 58 immigration courts with a combined backlog of 733,365 cases, the article said, amounting to approximately 2,200 cases per judge. Claimants wait on average 717 days, nearly two years, for a hearing. If the Department of Homeland Security (DHS) abruptly stopped arresting undocumented immigrants, it still take four years to eliminate the backlog, according to Rappaport. Attorney General Jeff Sessions clarified the asylum eligibility requirements to make it easier to screen out immigrants who do not have a legitimate persecution claim. Though this might stop the backlog from growing larger, it can't reduce it, Rappaport said.

**The U.S. now has even more leeway to start deportation proceedings for immigrants**  
[Miami Herald](#) [11/15/2018 5:19 PM, Daniel Shoer Roth, FL] Trump administration guidelines for summoning legal and undocumented immigrants before an immigration judge to start deportation procedures will expand again starting on Nov. 19. The U.S. Immigration and Citizenship Services (USCIS) recently announced that its officials will have more leeway to issue so-called Notices to Appear (NTA) if an immigration benefit request has been denied. USCIS started to implement a new protocol on Oct. 1 that expanded the number of reasons for issuing NTAs — a document issued to non-citizens instructing them to appear in immigration court. The NTAs traditionally mark the beginning of a deportation procedure. The new measure that takes effect next week will affect foreigners who entered the U.S. legally, and applied for an immigration benefit such as a visa. But now if their application, petition or benefit request gets turned down, their presence in the United States becomes immediately unlawful. Previously, an immigrant had more time to re-petition or pursue other avenues to stay in the United States under a different status.

## **Policy and Legislative News**

**About a dozen members of migrant caravan arrested for trying to illegally cross U.S. border, source says**

[FOX News](#) [11/15/2018 12:39 PM, William La Jeunesse, 55864K] reports more than a dozen members of the migrant caravan were arrested Wednesday night along U.S.-Tijuana border, a border patrol source in the San Diego sector told Fox News. A small group was arrested near the beach in an area called Playas de Tijuana. A large group was arrested in the mountains east of Otay Mesa, a San Diego community that straddles the Mexican border, the source said. All were arrested for trying to cross the border illegally, the source said. Separately, a fight broke out Wednesday night in Tijuana between local Mexicans and Hondurans arriving in the caravan. The migrants complained that the locals were yelling: "Go home. We don't want you here!" Members of the caravan complained to reporters that local police made no attempt to break up the fight. Hundreds of migrants began arriving at the border this week. About two dozen migrants wrapped in blankets are camped out next to the border fence near the ocean. Others have crammed into already overcrowded shelters or are sleeping in tents. Some migrants said they were waiting for others members

of the caravan to arrive to figure out their next steps. "We have to see what we're offered, just so they don't send us back to our country," said Jairon Sorto, a 22-year-old Honduran who arrived by bus Wednesday. Sorto said he would consider staying in Tijuana if he could get asylum from Mexico. He said he refused to consider Mexico's offer of asylum in the southern part of the country because it was too close to Honduras and he felt unsafe from his country's gangs.

Additional reporting:

[USA Today](#) [11/15/2018 9:00 PM, Rebecca Plevin]

[San Diego Union-Tribune](#) [11/15/2018 8:50 PM, Luis Gomez, 291K, CA]

### **As Migrants Line Up, Hoping for Asylum, a Quiet Day at a Busy California Border**

[New York Times](#) [11/15/2018 5:00 PM, Kirk Semple] reports the vanguard of what President Trump has labeled an invasion force formed an orderly line at about 6:45 a.m. on Thursday near a major border crossing between Tijuana and the United States and waited patiently. About 80 lesbian, gay, bisexual and transgender people who have been traveling with a large migrant caravan had come to the crossing, with stories of victimization and persecution, to make an appointment for asylum interviews in the United States. But other than the line of migrants, it was mostly business as usual along this westernmost stretch of the Mexico-United States southwest border. A steady flow of pedestrians and cars traversed the official border crossings, in an apparently smooth and normal process. Contractors worked on the steel border fence that reaches across the beach and into the Pacific Ocean, unfurling concertina wire along the top of the barrier and across the sand while American military police looked on. The migrants on line had been the first members of the caravan, which started in Central America more than a month ago, to make it to Mexico's northern border. They arrived on Sunday, and by trying to set up their asylum interviews were now moving yet another step closer to their goal of reaching American soil.

[VOA News](#) [11/15/2018 8:29 AM, Aline Barros, 1028K, DC] reports that freezing temperatures on the El Paso del Norte Bridge between Mexico and the U.S. have forced migrants waiting to request asylum to move to a shelter to escape the cold. The migrants have been told their places in line on the bridge will be kept. Lining up to get the chance to make an asylum request is just one step for migrants in their effort to enter the United States. VOA's immigration reporter Aline Barros visited the bridge and filed this report. [Editorial note: consult source link for video]

Additional reporting:

[CNN](#) [11/15/2018 3:37 PM, Catherine E. Shoichet, Leyla Santiago and Geneva Sands]

[The Guardian](#) [11/15/2018 12:07 PM, Sarah Kinoshian, UK]

### **Caravan Migrants Admit They Are Job-Seekers: 'I Know I'm Not Getting Asylum'**

[Breitbart](#) [11/15/2018 5:00 PM, John Binder] reports Central American migrants with a caravan of 7,000 to 10,000 members are admitting once again that they are not asylum-seekers, but rather economic migrants looking for jobs in the United States. In interviews with the New York Times and the Guardian, caravan migrants admit that they are not eligible for asylum in the U.S. — despite establishment media reports that the Central Americans are asylum-seekers. One caravan migrant told the Guardian that he fully understands that he is not eligible for asylum in the U.S., but has continued the trek to the U.S.-Mexico border anyway: "We came to work. I know I'm not getting asylum because they

don't give you asylum for hunger," said Carlos José Romero, 20, from Santa Rosa, in Honduras, who arrived on Tuesday night. "But us on the caravan would rather die fighting than sitting in Honduras waiting to starve or be killed. If they deport us we'll come right back." As Breitbart News has reported, many of the caravan migrants are looking for jobs, crime-free communities, and many are previously deported illegal aliens who are looking to go back to their former, illegal life in the U.S. None of these cases is eligible as an asylum claim.

### **Mexican Government Aids Trump Border Reforms by 'Metering' Caravan Asylum-Seekers**

[Breitbart](#) [11/15/2018 4:22 PM, Neil Munro] reports Mexican border officials are aiding U.S. border agents by "metering" the number of migrants who can apply for asylum each day. In Tijuana, for example, a U.S. reporter for the Desert Sun tweeted about the metering policy for migrants claiming asylum: At El Chaparral port of entry in Tijuana, Mexican immigration officials say 90 people will be allowed to make asylum claims today. People cheer; some 25 were allowed Monday, around 60 yesterday, we hear. The metering is vital because it can operate alongside other asylum reforms to reduce the number of migrants who are released into the U.S. economy before their claims for asylum are heard by U.S. judges. The most important of those other reforms is President Donald Trump's November asylum reform which promises a limited form of asylum — "withholding of removal" — and possible fast-track deportation for migrants who are caught sneaking across the border.

### **Pentagon: Troop contingent on border 'pretty much peaked'**

[Washington Post](#) [11/15/2018 12:19 PM, Robert Burns] reports that the number of U.S. active-duty troops deployed to the U.S.-Mexico border has "pretty much peaked" at the current total of 5,800, the Pentagon's No. 2 official said Thursday. That is far below the 10,000 to 15,000 that President Donald Trump initially said would be needed to secure the border against what he called an "invasion" of migrants. Deputy Defense Secretary Patrick Shanahan was asked about the military mission one day after his boss, Defense Secretary Jim Mattis, visited troops near McAllen, Texas, and defended the use of the military for border security. Mattis said that within a week to 10 days, the troops currently deployed along the border in Texas, Arizona and California will have accomplished all the tasks initially requested by Customs and Border Protection, although he said additional requests were expected.

[Reuters](#) [11/15/2018 10:57 PM, Alan Devall and Mike Blake, 4724K] reports a captain with the U.S. forces deployed in San Diego to fortify the southern border said he does not view the migrants from a Central American caravan amassing in Mexico as "enemies" after President Donald Trump described them as an "invasion." "I don't consider them a military enemy, nor does the United States military doing this job. They're simply migrants in a caravan moving towards the United States to seek a better way of life and asylum," Army Captain Guster Cunningham III told Reuters on Thursday. "The military is not classifying them as the enemy in any way, shape or form," said Cunningham, who is the spokesman for the Special Purpose Marine Ground-Air Taskforce 7. "As far as us being confronted with migrants, the possibility still remains zero because that's not our job. Our job again is to fortify the fence and enable CBP to do their enforcement job," Cunningham said.

Additional reporting:

[Breitbart](#) [11/15/2018 5:11 PM, Bob Price, 2405K]

[CBS News](#) [11/15/2018 5:00 PM, Kathryn Watson]

### **Arizona Residents, Officials Skeptical As Border Troops Move In**

[NPR](#) [11/15/2018 7:13 AM, Michel Marizco] reports that newly elected Democratic mayor Arturo Garino was busy with Election Day when the Army arrived in Nogales and started erecting coils of glistening razor wire along the tops of the border wall that separates his small U.S. town from its sister in Mexico. "Razor wire, concertina wire is not what you want to see on a fence with two countries that have been friends and traded forever," he said. President Donald Trump announced a little more than a week ago that he was sending troops to the border to support U.S. Customs and Border Protection. "And now here we have a wire, you know, downtown, el puro downtown," Garino said. Arizona immigration officials say troops are necessary to support CBP and ensure orderly crossings, especially as a large caravan of mostly Central American migrants approach the border. But some residents and local officials say they're not needed.

The military action is called Operation Secure Line; the original monicker, Operation Faithful Patriot, was dropped shortly after the troops' arrival to the Southwest border. Larry Dewey, commander of the 16th Military Police Brigade from Fort Bragg, N.C., and his counterparts in CBP explained Friday that the main reason for the military buildup was the caravan of migrants making its way to the border from Mexico. "Our mission is not to stop the caravan of migrants, rather we are here to support CBP personnel so they can continue to serve in a law enforcement capacity and encourage and enable the lawful and peaceful immigration," he said. Rodolfo Karisch, chief of the Border Patrol's Tucson Sector, says that "over the last few years, we have seen significant increases in the number of Central American families and unaccompanied children who have been arriving at our border. It's been dramatic increases for us," he said. [Editorial note: consult source link for audio]

### **Rep. Cuellar questions border patrol shift to California**

[Houston Chronicle](#) [11/15/2018 12:34 AM, Kevin Diaz, 170K, TX] reports while federal troops pour into Texas, border Congressman Henry Cuellar is raising the alarm over the deployment of 575 Texas U.S. Customs and Border Protection officers to California to meet a caravan of asylum seekers from Central America who have started arriving in the border city of Tijuana. The move comes after President Donald Trump deployed thousands of active-duty troops to Texas and other border states ahead of last week's midterm elections, a move that critics have derided as a political stunt. Cuellar said he was told that the CBP deployment will be a temporary response to a migrant caravan that appears to be headed toward ports of entry in San Diego. Amid growing deployments of federal troops in the Rio Grande Valley, Cuellar noted a week ago that the immigrant caravan was headed for California, not Texas. Cuellar, a Laredo Democrat who has been critical of Trump's proposed border wall, renewed his concerns with CBP Commissioner Kevin McAleenan on Wednesday, the same day Defense Secretary Jim Mattis and Homeland Security Secretary Kirstjen Nielsen met with federal troops in South Texas.

### **Caravan arrives in El Paso to protest kids' detention center**

[Michigan Public Radio](#) [11/15/2018 7:28 AM, Tracy Samilton, 24K, MI] reports that a group of Michigan faith leaders and others have arrived in El Paso, some driving more than 1700 miles from Ann Arbor, to protest what they call cruel immigration policies adopted by the Trump administration – especially the detention of unaccompanied migrant juveniles at the Tornillo Detention Center. The Tornillo Detention Center currently houses up to 3,800



children, some as young as 13, who crossed alone into the U.S. from Mexico. Many crossed legally at ports of entry, and many are being detained for months. Immigrant rights groups and immigration attorneys say the children almost always have the name and phone number of a family member in the U.S. willing to take them in, but that many in the migrant community are now too afraid to claim their relative, knowing that Immigration and Customs Enforcement has detained and deported some of those who showed up in the past. The 20 or so people in the caravan were joined Wednesday night by about 50 Jews, Christians, activists, and other people of conscience who flew in from cities around the country, to join a planned Thursday vigil at the detention center. The so-called "Let Our Families Go" group plans to cross briefly into Mexico on the Sante Fe Pedestrian Bridge, in order to be able to walk in the footsteps of people fleeing hardship in their home countries.

### **Finally Reunited With Her Child, Migrant Mother Has A Warning For Caravan**

[KRWG](#) [11/15/2018 4:22 PM, John Burnett, NM] reports migrant families arriving at the Southwest border earlier this year faced forced separations. Now President Trump has launched a new battle plan to stop immigrants from crossing the border with active-duty troops, razor wire, tighter asylum rules and threats of tent jails. NPR's John Burnett brings us the story of one mother who was finally reunited with her son and a warning she has for the caravan headed to the border. Late last month, the Honduran mother named Luz flew from Texas to New York and swept her 15-year-old Luis into her arms. They'd been held apart for five months. She talked about the reunion at a diner near the apartment where they're staying in Long Island.

### **Trump's nominee to lead ICE won't rule out separating migrant families again**

[Washington Post](#) [11/15/2018 2:48 PM, Maria Sacchetti] reports that Ronald D. Vitiello, a veteran law enforcement official tapped by President Trump to run U.S. Immigration and Customs Enforcement, faced criticism at his Senate confirmation hearing Thursday for refusing to rule out the possibility that the Trump administration could resort again to separating migrant parents and children at the U.S.-Mexico border. The White House is discussing plans to detain asylum-seeking families for up to 20 days and then give parents a choice: Stay in jail with their child pending a deportation hearing, or allow children to be taken to a government shelter so other relatives or guardians can seek custody of them. "That option and that discussion is underway," Vitiello told the Homeland Security and Governmental Affairs Committee.

Vitiello presented himself as a career law-enforcement official who possesses the skills and political savvy to reach out to Democrats and Republicans alike, and to address rising concerns about the agency's budget, detention conditions and polarizing reputation. Vitiello insisted that the agency's priority is deporting criminals and said he'd defend the agency against calls to abolish it. "If confirmed, one of my highest priorities will be to better demonstrate to the public, Congress, and the media the importance and criticality of the mission to protect the homeland and improve public safety — and why our agency's existence should not be up for debate," he said. Vitiello, a 30-year Border Patrol veteran, is ICE's acting director. Trump tapped him in August to replace Thomas D. Homan, the acting director whose nomination languished for months despite Republican control of the Senate. Homeland Security Secretary Kirstjen Nielsen, whose tenure in the administration may be nearing its end, named Vitiello acting director in June, calling him "an experienced and well-respected career law enforcement officer who will be a strong advocate for the agency's workforce."

[The Hill](#) [11/15/2018 3:57 PM, Tal Axelrod, 2630K] reports President Trump's nominee to run U.S. Immigration and Customs Enforcement said separating families at the border could be an option for the future to deter future migrants to cross the U.S.-Mexico border illegally. The White House is currently considering a policy that would give detained parents awaiting deportation hearings an option to either remain detained with their children for an indefinite amount of time or allow their children to be separated and taken to a government shelter for another relative or guardian to take custody of them. "It is a way for people to have a due process opportunity and remain in custody. It is an option," Ronald Vitiello told the Senate Homeland Security and Governmental Affairs Committee. "We'll get less people bringing their children," he added. However, he did note that such a plan would conflict with a current directive from Trump for ICE to keep detained families together.

The [Legal Reader](#) [11/15/2018 12:16 PM, Ryan J. Farrick, 1K] reports that according to the Washington Times, Vitiello – a controversial figure – has the backing of several Homeland Security officials. Vitiello's nomination has sparked backlash from leaders of the National ICE Council, a federal union representing agency employees. Fourteen Council leaders said they're not sure whether Vitiello can end the "corrupt 'good old boy' network" they claim pervades ICE's upper ranks. "Our agency needs a real shake-up at the top and a new director who can bring change," said Felix Luciano, leader of Local 2805 in San Diego. The National ICE Council has also accused Vitiello of hampering union leaders, making it more difficult for them to serve as officers and represent their local chapters. ICE spokeswoman Liz Johnson says the leaders' letter misses the mark and stressed that Vitiello has worked hard to build relationships among the agency's rank-and-file officers. "While many of the claims in the letter pre-date Mr. Vitiello's arrival at ICE, in his first few months on the job, he has made it a priority to meet directly with front line personnel and listen to their concerns," Johnson said. "If confirmed, he will be a strong advocate for the workforce and for proper oversight and management accountability."

Additional reporting:

[Huffington Post](#) [11/15/2018 5:00 PM, Elise Foley, 9094K]

[CBS News](#) [11/15/2018 3:36 PM, Camilo Montoya-Galvez]

### **Trump Pick To Head ICE Promises To Communicate Mission**

[Law360](#) [11/15/2018 6:24 PM, Kevin Penton] reports President Donald Trump's pick to head U.S. Immigration and Customs Enforcement pledged Thursday before the U.S. Senate Homeland Security Committee that he would work to improve how the agency communicates its mission to all sides on the divisive topic of immigration, while continuing to ensure that the nation's immigration laws are enforced within the country's interior. Ronald Vitiello told the committee that he hopes elevating the conversation will help protect ICE officers from personal threats. "If confirmed, one of my highest priorities will be to better demonstrate to the public, Congress and the media the importance of our mission to homeland security and public safety – and why our agency's existence should not be up for debate," Vitiello told the committee.

Trump picked Vitiello for the post in an acting capacity in June, taking over for the retiring Thomas Homan, who drew attention during his time heading the agency for comments that mirrored President Donald Trump's views on immigration, including that unauthorized immigrants should be "uncomfortable" and feel the need to be "looking over [their]

shoulder[s]." Homan had been the agency's acting director since January 2017 and was nominated by Trump as its permanent director last November.

### **ICE head denounces vitriol, apologizes for tweet**

[New York Times](#) [11/15/2018 1:19 PM, Associated Press] reports the acting head of U.S. Immigration and Customs Enforcement told senators Thursday that employees' morale has suffered because of the bitter political climate, and he apologized for sending a tweet in 2015 that suggested renaming the Democratic Party as the "NeoKlanist" party. The Senate Homeland Security and Governmental Affairs Committee heard testimony on whether to confirm Ronald Vitiello as head of an agency that some Democrats want to abolish. Vitiello said ICE employees are threatened with violence or targeted at their homes. "They should not have to bear the burden of attacks motivated largely by political and policy disagreements," he said. Vitiello was questioned by Sen. Gary Peters, D-Mich., about a tweet Vitiello sent from a personal account in 2015. It was in reply to a message to conservative talk show host Mark Levin asking for new names for the Democratic party. Vitiello responded: "Liberalcratic party or the NeoKlanist party." He told senators it was wrong to send it, though he added he thought he was sending a direct message, not a public tweet. "It's important and I understand the gravity, it was meant as a joke I wasn't trying to do anything other than make a joke. I regret it," he said. Sen. Kamala Harris, D-Calif., who has said the government "maybe" should "start from scratch" on an immigration enforcement agency, questioned Vitiello on the perception of ICE that it uses arrests to cause fear and intimidation among immigrants, particularly those from Mexico and Central America. Vitiello said the agency is enforcing the law and officers do the best they can. Sen. Doug Jones, D-Ala., asked whether Vitiello would help tone down harsh words coming out of the White House on immigration and immigrants. "Words have consequences, especially considering comments you acknowledged you were inappropriate," he said. "I want to make sure you will stand up and do the right thing."

Reported similarly:

[Breitbart](#) [11/15/2018 5:05 PM, Kyle Morris, 2405K]

[FOX News](#) [11/16/2018 4:00 AM, Lukas Mikelionis]

[Townhall](#) [11/15/2018 6:00 PM, Chris Reeves, 348K]

[Independent Journal Review](#) [11/15/2018 4:47 PM, Madison Dibble, 91K]

[Washington Examiner](#) [11/15/2018 12:07 PM, Anna Giaritelli, DC]

[Washington Times](#) [11/15/2018 3:06 PM, Stephen Dinan, 547K, DC]

[The Daily Caller](#) [11/15/2018 4:14 PM, Christopher Smith, 909K, DC]

### **Accenture workers join tech protests of contracts with U.S. border enforcement**

[The Hill](#) [11/15/2018 9:08 PM, Ali Breland, 2630K] reports Accenture staff are circulating a letter urging company leadership to end its contract with U.S. border enforcement, following reports earlier this year of harsh treatment of detained families at the U.S.-Mexican border. "The technology we provide is sold in the name of efficiency, but all we see is technology supercharging inhumane and cruel policies," the employees wrote in their letter, obtained by The Hill and first reported by Bloomberg. "We cannot support CBP while it is engaged in these immoral and illegal activities. Our work directly strengthens CBP's capacity to execute these policies." In the summer, fellow management consulting firm McKinsey cut its ties with ICE following pressure from employees. In the technology industry, workers at a number of firms including Microsoft, Google, Amazon and Salesforce have urged their executives to stop doing business with border enforcement, local law enforcement and the

Pentagon.

Reported similarly: [ThinkProgress](#) [11/15/2018 6:31 PM, Addy Baird, 480K]

**[MD] Students protest, petition to urge Hopkins, University of Maryland to cut ties with ICE**

[Carroll County Times](#) [11/16/2018 5:00 AM, Thalia Juarez, 7K, MD] reports amid a national debate over immigration policy under the Trump administration, the Johns Hopkins University and the University of Maryland, College Park are some of just a very few universities in the nation that have contracts with Immigration and Customs Enforcement. With protests and petitions, students on the two campuses have begun demanding the institutions sever ties with ICE – even as administrators counter that their work with the agency has nothing to do with detention or deportation of undocumented immigrants. On Thursday, students conducted a public teach-in and rally once again calling on the Johns Hopkins administration to end its contracts with ICE. Students huddled together in the cold outside Brody commons chanting "End the contracts" and "Say it loud; say it clear: Immigrants are welcome here." Officials at ICE said the agency has awarded roughly 200 unique contracts to entities under the label "education institution" and highlighted that the work they do is in compliance with federal law and agency policy. "We focus our resources on aliens who pose a threat to public safety and national security, as the enforcement data makes clear," said ICE spokesman Matthew Bourke. In addition to deportations, the agency's criminal investigative unit rescued and identified 904 children who were victims of sexual exploitation, said Bourke.

**[MI] Kalamazoo County Sheriff discusses police cooperation with immigration officials**

[WWMT](#) [11/15/2018 10:09 PM, Anna Giles, 26K, MI] reports the Kalamazoo County sheriff opened up about how his office cooperates with Immigration and Customs Enforcement. The discussion follows a decision by the city of Kalamazoo on Wednesday to reject a grant from the Department of Justice, because it included immigration enforcement requirements. "This is a police agency, so if they ask us for assistance we do give assistance, but we are not an arm of any other government agency," said Kalamazoo County Sheriff Richard Fuller. Roughly \$20,000 from the \$92,000 DOJ grant was supposed to go to the Kalamazoo County Sheriff's Office. Fuller said he'll have to find that money elsewhere. He wants people to understand exactly how his agency works with immigration officials, because he said community fears about an immigration crackdown have spread fast.

**[TX] Expanding migrant children 'tent city' draws protests**

[UPI](#) [11/15/2018 7:44 PM, Patrick Timmons, 303K] reports as construction trucks, water tankers and buses of children entered a "tent city" for migrant children at the Tornillo port of entry adjacent to the U.S.-Mexico border, interfaith groups from around the United States converged at its entrance to protest detaining "unaccompanied alien children" in the West Texas desert. Announced by the Trump administration in the summer as a temporary solution to the migrant refugee crisis, Tornillo first housed 450 unaccompanied children but then expanded to 1,500 children. In October, the Office of Refugee Resettlement announced it would expand to house 3,800 children at a cost of more than \$400 million. There are unmistakable signs the "tent city" is expanding. The parking lot for the facility is now filled with dozens of cars, trucks and materials for construction.

### **[CA] Watchdog group wants L.A. County Sheriff's Department to stop giving ICE access to jails**

[Los Angeles Times](#) [11/15/2018 7:30 PM, Maya Lau, 3575K] reports members of a watchdog group signaled on Thursday they want the Los Angeles County Sheriff's Department to take more powerful steps to distance itself from the work of federal immigration enforcement agents. A series of preliminary recommendations by the Sheriff Civilian Oversight Commission called for the department to bar jail access to U.S. Immigration and Customs Enforcement officials and stop honoring ICE's requests to detain inmates, except when required by law. Last year, 1,223 inmates released from the Los Angeles County jail system were transferred to ICE custody, according to the sheriff's inspector general. The department spends an estimated \$1.4 million a year on administrative expenses to evaluate ICE detainer requests, an amount that could instead be diverted to other projects, some members of the panel argued. The recommendations, if adopted, would represent a hard-line stance against immigration enforcement in the spirit of "sanctuary" policies that gained momentum as a reaction against the immigration crackdown under the Trump administration.

## **Legal News**

### **Judge signals he'll approve settlement over family separations**

[Politico](#) [11/15/2018 3:28 PM, Ted Hesson] reports that a federal judge on Thursday signaled he will approve a settlement agreement that applies to certain migrant parents separated from their children at the U.S.-Mexico border. Under the terms of the agreement, parents who failed an asylum screening after being separated will have another chance to apply for the status. "The settlement agreement, I think, is a remarkable bit of work, accomplished through a great deal of time and effort by the parties," U.S. District Judge Dana Sabraw, who is based in San Diego, said during a court hearing. "It's not perfect, but we are dealing with a situation that is far from perfect." President Donald Trump's "zero-tolerance" policy at the border forcibly split apart thousands of families over a three-month period in the spring. In late June, Sabraw ordered the government to reunite separated parents and children. A pair of government watchdog reports released in September and October showed federal departments lacked record-keeping and processes to bring the families back together, which contributed to the chaotic implementation of the policy. The administration eventually identified 2,667 children in its custody separated from a parent. The majority of those children have been reunited with parents, but 25 children deemed eligible for reunification remain in federal custody, according to a recent court filing. The settlement will apply to several lawsuits over the separations, but not to *Ms. L v. ICE*, the lead suit brought by the American Civil Liberties Union. The plaintiffs in that case continue to press for the reunification of still-separated families.

### **San Diego judge officially OK's family separation agreement; new asylum interviews already underway**

[San Diego Union-Tribune](#) [11/15/2018 3:45 PM, Kristina Davis, 291K, CA] reports calling it "a remarkable piece of work," a San Diego federal judge on Thursday officially approved a settlement agreement that allows hundreds of migrant families who had been separated under a government policy a second chance to seek asylum. The final OK was more procedural than anything, as U.S. District Judge Dana Sabraw had already given the agreement high praise – so much so that last month he ordered the federal government not



to delay and to begin making asylum determinations for certain migrant families who are in immigration detention.

### **9th Circ. Shouldn't Have Halted Rescission Of DACA**

[Law 360](#) [11/15/2018 1:49 PM, Steven Gordon] reports last week the Ninth Circuit affirmed a nationwide injunction that bars the Trump administration from phasing out the Deferred Action for Childhood Arrivals, or DACA, program, which provides two-year, renewable deportation protections for about 690,000 "Dreamers," unauthorized immigrants brought to this country as children. The decision in *Regents of the University of California v. U.S. Department of Homeland Security*[1] was the first appellate ruling on the validity of the effort to end the program. Two members of the appellate panel concluded that the rescission of DACA is subject to judicial review under the Administrative Procedure Act, or APA, and that the plaintiffs were likely to succeed on their claim that the administration's rationale for rescinding DACA was arbitrary, capricious or not in accordance with law. The third member disagreed with this conclusion, but opined that the plaintiffs had plausibly alleged that the rescission of DACA was motivated by unconstitutional racial animus. Both of these analyses are flawed. The rescission of DACA, while politically controversial, is lawful.

The Trump administration rescinded DACA through another DHS memorandum issued in September 2017. The agency said that its decision was based on consideration of two factors. One was a letter from the attorney general which stated that DACA "was effectuated by the previous administration through executive action, without proper statutory authority and with no established end-date, after Congress' repeated rejection of proposed legislation that would have accomplished a similar result. Such an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the Executive Branch." The second factor involved developments in litigation over another deferred action deportation program called Deferred Action for Parents of Americans, or DAPA. A Texas district court enjoined DAPA on the ground that it should have been promulgated through public notice-and-comment rule-making procedures. The Fifth Circuit affirmed the preliminary injunction, and the U.S. Supreme Court affirmed by an equally divided vote. The suit returned to the district court for adjudication on the merits.

### **DACA's Path Remains Uncertain Post-9th Circ. Ruling**

[Law 360](#) [11/15/2018 9:05 PM, Nicole Narea] reports attorneys said that the U.S. Supreme Court is now more likely to take up a case that would decide the fate of the Deferred Action for Childhood Arrivals program as early as mid-January following the Ninth Circuit's ruling last week to keep the program alive, mounting pressure on the new Congress to take legislative action. A Ninth Circuit panel ruled Nov. 8 to leave in place a preliminary injunction that prevents the Trump administration from terminating the Obama-era program, which has offered deportation protection and work authorization to almost 800,000 young immigrants who came to the U.S. without authorization as children. Given that the Ninth Circuit only issued a preliminary ruling in the case, the justices may still opt to delay intervening until next term to allow the lower courts to fully flesh out and resolve factual disputes at trial or in summary judgment, attorneys said. But the government has explicitly urged the high court to rule this term rather than waiting for the appeals court to issue final rulings, arguing it should not have to continue running a program it believes to be illegal. Jaclyn Kelley-Widmer, an assistant clinical professor at Cornell Law School, said. "Granting a petition for review before appeals courts have ruled is rare," Kelley-Widmer said. "However, now that

the Ninth Circuit has ruled that the government must continue DACA, the Supreme Court is more likely to grant the petition for review and hear DACA this term."

### **Challenge To Refugee Office Procedures Mostly Survives**

[Law 360](#) [11/15/2018 8:46 PM, Suzanne Monyak] reports a Virginia federal court on Thursday preserved a challenge to the Office of Refugee Resettlement's family reunification procedures lodged by a proposed class of Central American children and their families, while also cutting the individual claims for the kids who have already been released from government custody. U.S. District Judge Leonie M. Brinkema held that the proposed class can move forward with its claims that ORR's procedures to place unaccompanied immigrant children with family members violate their procedural due process rights and that the agency's information-sharing policy violates the Administrative Procedure Act. That policy mandates that all adults living with an unaccompanied immigrant child's sponsor must submit to fingerprinting and other biometric testing in order for the detained child to be released into the home. In Thursday's decision, Judge Brinkema agreed with the proposed class that the agency's information-sharing policy is a "legislative" rule, meaning it is subject to the APA's notice-and-comment requirement. The judge also found that the proposed class had plausibly alleged that the policy was implemented primarily for immigration enforcement purposes, allowing the class to proceed to discovery on that claim. The court additionally held that the proposed class had sufficiently stated a claim that the policy infringes the requirement that immigrant minors be released from custody "without unnecessary delay," which was established by the Flores agreement, a 1997 court settlement that set standards of care for immigrant children detained in government custody.

### **Network of local immigrant legal defense funds expanding**

[Atlanta Journal-Constitution](#) [11/15/2018 4:32 PM, Associated Press, GA] reports a network of U.S. cities and counties paying for lawyers to represent immigrants facing deportation in the wake of the Trump administration's immigration crackdown is planning to expand. During a network conference Thursday in Denver, New York-based Vera Institute of Justice announced it was seeking proposals from cities and counties to join its Safety and Fairness for Everyone Network. The network currently includes 12 cities and counties in eight states — California, Colorado, Texas, Wisconsin, Illinois, Ohio, Georgia and Maryland — that are using taxpayer dollars to pay for legal representation, although some also raise private money. While there were efforts to provide attorneys to immigrants in California before the election of President Donald Trump, the other members did not do so until 2017 with the formation of the network, network director Annie Chen said. In the last year, 38 percent of immigrants who have gotten lawyers through the network were able to remain in the United States, compared with about 3 percent among those who did not have representation, she said. While people accused of violating criminal law must be represented by a public defender if they can't afford to hire an attorney, people accused of being in the country illegally face civil proceedings and are not required to have a lawyer.

Reported similarly: [Belleville News Democrat](#) [11/15/2018 5:07 PM, Colleen Slevin, 24K, IL]

### **[VT] Groups Accuse ICE Of Targeting Immigrant Activists**

[Law360](#) [11/15/2018 1:36 PM, Suzanne Monyak] reports ICE is targeting immigrant activists who have spoken out against the department, boosted by the Vermont Department of Motor Vehicles' practice of sharing confidential information about those activists, a new lawsuit

filed Wednesday in federal court by a migrant advocacy organization alleged. The American Civil Liberties Union Foundation of Vermont, joined by the National Immigration Law Center and other civil rights groups, claimed in the lawsuit that DHS and U.S. Immigration and Customs Enforcement suppressed the First Amendment rights of members of Migrant Justice, a nonprofit group advocating on behalf of migrant farmworkers in Vermont, by targeting outspoken critics of the agency for deportation.

The lawsuit alleges that ICE infiltrated the advocacy group's private meetings and surveilled its members, "chilling" the free speech rights of immigrant members who fear retaliation and hindering Migrant Justice's ability to organize and advocate. The ACLU also named several immigrant members of the group who have been arrested and detained by ICE agents, some of whom were passengers in cars that were pulled over, even though they had no criminal histories and should not have been DHS enforcement priorities, the lawsuit says.

Reported similarly:

[NBC 5](#) [11/15/2018 12:34 PM, Jack Thurston, 18K, NY]

[Legal Reader](#) [11/15/2018 12:22 PM, Ryan J. Farrick, 1K]

#### **[CT] They took sanctuary in a Connecticut church — but did not hide from immigration officers**

[90.5 WESA](#) [11/15/2018 9:13 AM, Arthur Nazaryan, 10K, PA] reports that Malik Naveed bin Rehman and his wife Zahida Altaf lived in Old Lyme for six months, but never actually walked out on the streets. That's because they were confined to the grounds of the First Congregational Church of Old Lyme, where they were seeking sanctuary from a deportation order they received earlier in 2018. The couple entered the U.S. from Pakistan legally in 2000, on a tourist visa, and decided to seek asylum so they could live and work here permanently. Over the years they put their trust in one lawyer after another in order to get legal status in the U.S., but they were defrauded by two different attorneys while their case hardly advanced. Those lawyers served time in jail for immigration fraud, according to Rehman's current attorney, Glenn Formica. Rehman and Altaf's request for asylum was eventually denied in 2008 by an immigration judge, and they subsequently lost an appeal to the Board of Immigration Appeals in 2010.

Though they were technically supposed to leave the country then, authorities never came to physically remove them, so Rehman and Altaf continued to live and work in the U.S. But during a routine appointment with ICE, Rehman and Altaf say an officer informed them that they needed to buy plane tickets to leave the country. Rehman decided that his family should stay and fight for their case again. Rehman and Altaf could still bring their case to the Board of Immigration Appeals, this time to challenge ICE's order of removal, but a successful appeal would do nothing for them if they were already out of the country. The First Congregational Church of Old Lyme took them in on March 19. Finally, on Aug. 29, 2018 they got their answer: Their appeal was rejected. They only had one hope left: arguing to the Second Circuit Court of Appeals for a stay of removal that would allow them to stay in the US while they wait for the final decision on their case. And on Oct. 16, the First Congregational Church of Old Lyme held a public press conference — with U.S. Sen. Richard Blumenthal in attendance — to announce that the family had been granted a stay by the federal court. Meanwhile, they are waiting for the Second Circuit Court of Appeals to make the final decision on their case. It will take approximately 120 days.

### **[MA] ACLU Sues Boston Police For Access To Gang Database**

[WBUR](#) [11/15/2018 9:17 AM, Shannon Dooling, 204K, MA] reports that the ACLU of Massachusetts wants access to the Boston Police Department's gang database and it's suing the department to get it. The civil rights group says increasingly, allegations of gang involvement are being used against Central American youth in immigration court, and there's no way to gauge the accuracy of the gang database without getting a look inside the system. Along with more than a dozen other community groups, the ACLU six months ago asked Boston police for access to the gang database. Since then, the groups say, they've received incomplete information. The lawsuit filed Thursday in Suffolk Superior Court seeks access to the remaining documents.

Reported similarly:

[Government Technology](#) [11/15/2018 8:33 PM, Jacqueline Tempera, 51K]

[Boston Globe](#) [11/15/2018 9:00 PM, Maria Cramer, 854K, MA]

[MassLive](#) [11/15/2018 10:02 AM, Jacqueline Tempera, 167K, MA]

[Boston Patch](#) [11/15/2018 4:51 PM, Jenna Fisher, MA]

### **[NY] Immigration judge to issue decision in Mt. Kisco synagogue custodian's asylum appeal**

[Rockland/Westchester Journal News](#) [11/15/2018 9:29 PM, Michael P. McKinney, NY] reports an immigration judge said Thursday he will render a decision within 24 hours on whether a Mount Kisco synagogue's longtime custodian can continue his case for asylum in the U.S. based on credible fear of persecution if he were deported to Mexico, the custodian's lawyer said. Armando Rojas, who had been a Bet Torah synagogue custodian for two decades, has drawn support from synagogue members. About 10 of them went to the immigration court in Western New York's Batavia to support Rojas at Thursday's appeal that asked Judge Philip Montante Jr. to overturn an asylum officer's decision. "We're hoping he has the ability to explain his asylum case," said Gadi Zohar, Rojas' lawyer. Rojas was deported to Tijuana in February, leaving behind his wife and his two sons born in the U.S. But in April, the synagogue's Rabbi Aaron Brusso went with a congregant and Rojas' older son to Tijuana to accompany Rojas over the border and into U.S. custody. Rojas then sought asylum. The asylum officer who interviewed Rojas believed he was credible and had a fear of returning to Mexico, but could not connect Rojas to one of the "protected groups" under U.S. law that qualify someone to seek asylum, according to Zohar.

### **[NY] Local Police Can't Detain Immigrants For ICE, NY Court Finds**

[NPR](#) [11/15/2018 4:32 PM, Beth Fertig] reports an appellate court in Brooklyn ruled Wednesday that local police officers in New York state can't hold immigrants in custody beyond their release date solely to turn them over to Immigration and Customs Enforcement without a judicial warrant. The case involved Susai Francis, an Indian national living on Long Island who overstayed a visa in the 1990s. After an arrest in Nassau County in June 2017, for driving under the influence, he was transferred to Suffolk County to complete a different proceeding there involving a criminal charge. In December, he pleaded guilty to disorderly conduct and was sentenced to time served. But instead of letting him leave court, Suffolk police rearrested him at the request of Immigration and Customs Enforcement. He was taken to a jail cell in Riverhead, rented by ICE. On Wednesday, a three-judge appellate court panel found this violated state law because the Suffolk police went beyond their authority. ICE detainers ask police to hold someone already in custody for 48 hours, to facilitate a transfer. By putting Francis back in jail, the court found Suffolk went too far.

"[L]ocal law enforcement officers are not authorized to effectuate arrests for civil law immigration violations," the ruling said. The court found they could, however, if ICE showed them a warrant signed by a judge. The ruling does not affect Francis, who is now in ICE detention in New Jersey. The Department of Justice had filed a friend of the court brief supporting Suffolk in the lawsuit. It said it is harder for ICE to detain removable immigrants without local cooperation.

[Law 360](#) [11/15/2018 3:29 PM, Suzanne Monyak] reports that according to the New York Civil Liberties Union, which filed the lawsuit, this is the first Empire State appeals court to rule on this issue. The ruling is a win for advocates of "sanctuary" laws that restrict cooperation between local law enforcement and federal immigration authorities. "This critical ruling makes clear that police and sheriffs in New York not only should not, but cannot, do ICE's bidding," Donna Lieberman, executive director of the NYCLU, said in a statement. The ruling nixes a 2016 policy from the Suffolk County Sheriff's Office mandating that the officers comply with the so-called ICE detainers, or a written request to local law enforcement officers asking them to hold immigrants arrested on local criminal charges for 48 hours beyond their release dates, and to notify ICE when those dates arrive, so that the U.S. Department of Homeland Security may take them into custody.

Reported similarly:

[Riverhead Local](#) [11/15/2018 8:20 PM, Denise Civiletti, NY]

#### **[NJ] Immigration detainees from Indonesia are freed on bond**

[North Jersey Record](#) [11/15/2018 6:38 PM, Monsy Alvarado, 63K, NJ] reports two Indonesian men who were detained by immigration authorities after dropping their children off at school were released Thursday after spending 10 months in custody at the Essex County jail, officials said. Gunawan Liem of Franklin Park and Roby Sanger of Metuchen left the jail in Newark after posting bond on Thursday, a day after a federal immigration judge ruled they could be released while they fight their immigration case.

Emilio Dabul, a spokesman for U.S. Immigration and Customs Enforcement, confirmed Thursday that the men had been released. Sanger and Liem are part of a community of ethnic Chinese Christians who fled religious persecution in Indonesia, a Muslim-majority nation, in the 1990s and early 2000s and remained in the United States after overstaying their tourist visas. U.S. District Judge Esther Salas in Newark issued a temporary restraining order stopping ICE from deporting several undocumented Indonesian Christians while she reviewed their request for a second chance at asylum.

#### **[TX] ICE responds to allegation involving detained woman in Hutto**

[Austin American-Statesman](#) [11/15/2018 6:24 PM, Claire Osborn, 134K, TX] reports immigration officials have responded to an allegation by an immigrants advocacy group involving a woman held in detention in Taylor seeking release to protect her daughter. ICE officials have arrested Melvin Griselda Cruz-Lopez of El Salvador at least twice for illegally entering the United States, a news release Thursday from the federal agency said. The release ICE issued Thursday said immigration officials first encountered Cruz-Lopez near Douglas, Ariz., in February 2005 and that a federal judge ordered her deportation in April 2005 even though she wasn't at the hearing. ICE officials later arrested her in October 2017 and she was deported to El Salvador in November 2017, the release said. It said immigration officials arrested her again Jan. 27, 2018, when she illegally re-entered the



country near Hidalgo. An immigration judge issued a removal order for her Oct. 5 but she remains in ICE custody pending her appeal to the Board of Immigration Appeals, the ICE release said.

**[CO] Denver announces plans to expand immigration legal help program**

[Denver Channel](#) [11/15/2018 7:25 AM, Meghan Lopez, 102K, CO] reports that the city of Denver plans to extend a pilot program aimed at providing legal defense for immigrants fighting deportation. Mayor Michael Hancock will hold a press conference Thursday along with immigration groups like the Safety and Fairness for Everyone Network to make the announcement. This comes one year after the program was officially enacted. It uses city money and donations to pay the legal fees for immigrants. The fund was created in August 2017 when Mayor Hancock signed an executive order. That same month, the Denver City Council enacted a new ordinance to restrict city employees and law enforcement officers from asking a person about their immigration status. Both moves came as Denver's response to the Trump administration's crackdown on illegal immigration. The head of the ICE Denver field office said the city's move to shield immigrants is dangerous.

Reported similarly:

[CBS Denver](#) [11/15/2018 1:29 PM, Staff, CO]

**[CO] ICE Courthouse Arrest Raises Questions About Trust And Safety**

[Aspen Public Radio](#) [11/15/2018 4:32 PM, Wyatt Orme, CO] reports Jose Ivan and Adolphe Gonzales are eating lunch at Garcia's market in Carbondale. Neither know Enrique Garcia, the man arrested at the Pitkin County Courthouse in mid-October by agents from Immigration and Customs Enforcement (ICE). Both Ivan and Gonzales heard about the arrest, however, and say it reinforces the fact undocumented people in the U.S. should stay away from courthouses. "[They're] scared to go to these places. They want to do things right, but can't because they're scared they're going to get picked up," said Ivan. Gonzales agrees and adds arrests like these send a pretty clear message to undocumented people: If law enforcement learns you're undocumented, you're out of here. ICE says courthouses are a safe place for officers to make arrests; critics of the practice say it damages immigrants' trust in the legal system. According to Pitkin County Sheriff Joe DiSalvo, the agents were well within their authority when they arrested Garcia. "Federal agents have the right to operate in Pitkin County whenever they want," he said. "Whether that's DEA, FBI; the Secret Service is up here all the time."

**[CA] State back limits on assisting feds on immigration**

[Edwardsville Intelligencer](#) [11/15/2018 10:08 AM, Journal-Courier, 6K, IL] reports attorney General Lisa Madigan has joined 12 other attorneys general supporting a California law that limits when and how local law enforcement officers can cooperate with federal immigration authorities. California passed the law to improve public safety by focusing on crime prevention and building trust between law enforcement and residents. In an amicus brief filed in the U.S. Court of Appeals for the Ninth Circuit in *United States v. State of California*, Madigan and the other attorneys general said the court should uphold California's law because states have the responsibility and the independent authority to protect public safety, regulate law enforcement, and decide how to use their limited resources. The lawsuit against California was filed by the federal government as part of its suppression of both legal and unauthorized immigration. It sought to strike down SB 54, the California law

placing limits on how much state and local law enforcement officials can coordinate with Immigration and Customs Enforcement and enforce federal civil immigration law.

### **[CA] Family continues fight to sue SF over Kate Steinle's fatal shooting**

[San Francisco Examiner](#) [11/15/2018 5:27 PM, Michael Barba, 55K, CA] reports a panel of federal appeals court judges heard arguments Thursday in a lawsuit from the parents of Kate Steinle, who are trying to have their case reinstated against San Francisco for the shooting of their daughter by an undocumented immigrant. Steinle's parents filed the lawsuit in May 2016 against former Sheriff Ross Mirkarimi for creating a sanctuary policy that prevented deputies from notifying immigration authorities when Jose Ines Garcia Zarate was released from jail. Months after his release, Garcia Zarate fired a bullet from a stolen gun that ricocheted and struck Steinle in the back on Pier 14 on July 1, 2015. The killing set off a political firestorm as President Donald Trump pointed to the case to call for a crackdown on illegal immigration during his presidential campaign. U.S. Magistrate Judge Joseph Spero dismissed the allegations against Mirkarimi in January 2017, but he allowed the case to continue against the U.S. Spero found that the policy Mirkarimi created did not violate federal law as alleged in the lawsuit and that Mirkarimi was immune from liability in the death as a government official making a discretionary decision under California law. An attorney for the Steinle family, argued against the ruling on Thursday in the U.S. Court of Appeals for the Ninth District. "He's not vested with discretion to create a policy that violates the law," Cordova said, arguing that Mirkarimi created a "no contact" policy with the U.S. Immigration and Customs Enforcement in violation of federal law.

## **Enforcement News**

### **Immigration arrests on public lands jump under Trump, Interior Dept reports 4K arrests since May**

[ABC News](#) [11/15/2018 12:19 PM, Stephanie Ebbs, 2704K] reports immigration arrests at U.S. national parks and other federal lands spiked dramatically this year under President Donald Trump, with some 4,010 immigration-related arrests alone since May compared to only 126 arrests in 2016, according to the Interior Department. The figures represent a dramatic escalation in the immigration enforcement role played by the Interior Department, a federal agency better known for protecting the nation's historic monuments and wildlife refuges. The push also comes as President Donald Trump has deployed several thousand active-duty troops to the border in a push to deter illegal immigration, and as a Republican-led House committee considers legislation this week that would give border patrol agents greater access to federal lands. Law enforcement within the parks and monuments have an agreement to cooperate with agencies like U.S. Customs and Border Protection, which have complained in the past that restrictions intended to protect the environment made it more difficult to arrest undocumented migrants or stop routes for people entering the country illegally. According to figures released by the Interior Department, agents in national monuments and protected wilderness on the border apprehended and turned over 4,010 people to CBP custody and seized 2,356 pounds of drugs.

### **Prison Reform Plan to Make Deporting Criminal Foreigners More Difficult**

[Breitbart](#) [11/15/2018 6:52 PM, John Binder, 2405K] reports a prison reform plan supported by both political establishments, the billionaire Koch brothers, the ACLU, and President Trump will make it more difficult to deport criminal foreigners in United States prisons,

experts say. Center for Immigration Studies fellow and former Immigration and Customs Enforcement official Dan Cadman writes that the Trump-endorsed First Step Act will make it more difficult for federal officials to deport criminal foreigners from the U.S. In his analysis, Cadman explains that the prison reform plan allows criminal illegal aliens, immigrants, and nonimmigrants to rack up "good time" credits to receive an early release from prison until their final order of removal is obtained.

The prison reform bill also allows criminal illegal aliens who have repeatedly re-entered the U.S. illegally to participate in programs to reduce their time in prison. First, until the final order is obtained, they continue accruing that good time. Second, consider that the language prohibiting participation in time-reduction programs only applies to aliens who are being charged as removable for certain crimes. Another element of the First Step Act is to collect enormous amounts of data on the prison population.

### **Apprehended Border Crossers Spend an Average of 39 Hours in Detention: Evidence from 2014 and 2015**

[CATO Institute](#) [11/15/2018 3:10 PM, Alex Nowrasteh and Andrew Forrester] reports most information on Border Patrol activities along the border come from data that has already been aggregated and compiled by Customs and Border Protection (CBP), Border Patrol's parent agency. We acquired the Border Patrol microdata for every apprehension on the Southwest Border from September 1, 2014, through August 31, 2015. That period adds one month from the end of the 2014 fiscal year and chops off the last month of the 2015 fiscal year. The microdata allow us to answer specific questions about Border Patrol apprehensions that aren't otherwise displayed in tables by CBP. This microdata identifies an individual's time and date of apprehension and release, which allows us back out how long they were held in Border Patrol custody. There is wide variation between the number of hours that illegal immigrants apprehended by Border Patrol on the SW border stay in detention based on the region of the world where they are from. Caribbean illegal immigrants spend an average of 61 hours in detention, but there were only 561 of them detained in 2015.

### **[MA] Anti-ICE protest calls out DCF in separation case**

[Bay State Boston Banner](#) [11/15/2018 6:00 AM, Catherine McGloin, 2K, MA] reports that Siham Byah packed her 8-year-old son Naseem Byah's lunch, walked with him to school, told him to be a good boy for his teachers and kissed him goodbye. Tuesday, Nov. 7, 2017 had begun like any other school day for the Moroccan-born single mother and asylum seeker. "It was a normal day for me, it was a normal day for my child," said Byah. That was until she left her home in Nahant to attend her annual appointment at the U.S. Immigration and Customs Enforcement office in Burlington, where she was unexpectedly detained for almost two months before being transferred to a jail in Virginia and deported to Morocco. Her son was placed in the custody of the Department of Children and Families. A year later, Byah is still in Morocco living with her parents, while DCF has ruled that her son cannot be returned to her.

"My crime was just the fact that I have a voice and I am an immigrant," said Byah, phoning in to speak with the 50 marchers who gathered last week on Tremont Street in the South End to commemorate the one-year mark since the family was forcibly separated by ICE officials. "I am denied parental rights solely because I am an immigrant," said Byah. The Moroccan-born mother lived in the U.S. for 18 years and was a well-known activist in

Boston, so news of her deportation quickly spread, said Hersch Rothmel, one of the demonstration's organizers involved in the Free Siham campaign. The rally not only marked the anniversary of the family's separation, but was organized to raise awareness for Byah's plight and make five demands of ICE and the DCF: the family's reunification; for DCF to actively oppose future deportations by ICE; for Massachusetts' jails to terminate their contracts with ICE; for deportations to stop and ICE abolished; and for Byah's deportation and the mental and physical abuse she said she suffered while in ICE custody to be investigated.

**[TN] Two-week stay of deportation for Manuel Duran while court panel reviews case**  
[Memphis Commercial Appeal](#) [11/15/2018 1:23 PM, Daniel Connolly, 31K, TN] reports a federal appeals court ruled Thursday that detained reporter Manuel Duran can have a two-week stay of deportation while it reviews his case. "The government is directed not to prior to November 30, 2018. It is so ordered," the ruling from the U.S. Court of Appeals for the Eleventh Circuit reads in part. The appeals court has not yet ruled on the underlying question of whether Duran's immigration case should be reopened. Both an Atlanta immigration court and an immigration appeals board have denied Duran's efforts to reopen the case and seek asylum, leaving an old deportation order in place.

Reported similarly: [Miami Herald](#) [11/15/2018 5:36 PM, Staff, 610K, FL]

**[NC] Kinston businessman sentenced for employing an illegal alien**  
[Kinston Free Press](#) [11/15/2018 3:37 PM, Staff, 3K, NC] reports a 52-year-old Kinston businessman was sentenced Thursday to a year of probation after pleading guilty to unlawfully employing an illegal alien. Robert B. Jernigan, vice president of House Fitters, Inc.'s of Kinston by U.S. District Judge James C. Dever III after his guilty plea. Jernigan was also ordered to forfeit \$9,649 in connection with the criminal conduct, according to Robert J. Higdon, Jr., U.S. Attorney for the Eastern District of North Carolina. According to court records, Jernigan, in his role as House Fitters, Inc.'s vice president, hired Oscar Obdulio Lopez-Garcia, a previously deported alien from Guatemala, knowing Lopez-Garcia was not authorized to undertake employment in the United States. The case was investigated under the newly created framework of the Document and Benefit Fraud Task Force in the Eastern District of North Carolina and is led by Immigration and Customs Enforcement - Homeland Security investigations, and assisted by Enforcement Removal Operations, and United States Citizenship and Immigration Services, among other agencies.

**[SC] Mexican citizen charged with six-time illegal border entry**  
[Spero News](#) [11/15/2018 4:05 PM, Martin Barillas, 2K, TX] reports Paulino Luna-Gonzalez, 45, a Mexican citizen, pled guilty today in federal court to illegally re-entering the United States after being deported six times. Evidence presented to the court showed that on May 13, 2018, Immigration and Customs Enforcement discovered Luna-Gonzalez while he was in custody at the J. Reuben Long Detention Center in Horry County, South Carolina, on state charges. Immigration records revealed that Luna-Gonzalez was a native and citizen of Mexico who had previously been deported from the United States on five separate occasions. Luna-Gonzalez now faces a maximum penalty of 10 years in federal prison.

**[GA] Mother of son with non-verbal autism deported back to Morocco**  
[11 Alive](#) [11/15/2018 9:39 PM, Staff, 71K, GA] reports Joseph Ishmael Lowry's mother was in the U.S. on a work visa. His father, a U.S. Army Veteran, died less than a year ago.

Now, his mother is Morocco after being deported. Ishmael's aunt says his mother came to America 20 years ago on a work visa, which has now expired. His family worries he won't be able to cope without his mother. "Ever since she's been gone he can't – he's different," explained Hadey Jean-Pois. "He's sad, he's screaming, he has tension. You see it in his eyes." With Ishmael's mother back in west Africa, her relatives in the U.S. are trying to gain custody of her son, otherwise, they fear without his mother here, he won't get the treatments he needs. The Immigration and Customs Enforcement Authority says the mother's stay of removal was denied after she failed to leave the country voluntarily in 2008.

**[GA] Georgia Police Search for a Motive After Suspect Murders Elderly Black Neighbor, Dismembers His Body**

[Atlanta Black Star](#) [11/15/2018 5:34 PM, Tanasia Kenney, 75K, GA] reports a 25-year-old suspect is facing charges after Georgia authorities say he brutally murdered his elderly Black neighbor, then carved his body into bloody pieces. Robert Page was discovered dead Nov. 8 just hours after family members had reported him missing, local station WSB-TV reported. Clayton County police tracked down suspect Christian Ponce Martinez after a neighbor's surveillance video captured him on Page's property earlier in the day. Authorities are now working to determine if Martinez came to the U.S. legally. This week, Immigration and Customs Enforcement officials confirmed it has a hold on Martinez but said he isn't in the custody of the agency, the news station reported.

**[AR] Dashcam video shows moment illegal immigrant suspect opens fire on Arkansas police officer**

[FOX News](#) [11/15/2018 1:22 PM, Travis Fedschun, 10787K] reports newly released dashcam video shows the moments a police officer in Arkansas stared down the barrel of a gun during an intense shootout with an illegal immigrant suspect over the weekend. The Washington County Sheriff's Office said in a news release the incident happened Sunday, after County Corporal Brett Thompson tried to initiate a traffic stop around 12:43 p.m. in Tontitown, located just outside Fayetteville. The driver, 29-year-old Luis Cobos-Cenobio, didn't stop and the officer reportedly initiated a brief chase. After eventually pulling over, Cobos-Cenobio got out of his vehicle and began shooting at Thompson, officials said. Thompson quickly returned fire, and Cobos-Cenobio fled the scene. The 29-year-old was found by another officer about a half-hour later and once again shot at police, officials said. He was then followed into Fayetteville, where Fayetteville Police and Arkansas State Police joined the pursuit until he was eventually stopped and taken into custody. Cobos-Cenobio has been jailed on \$500,000 bond, and has had a detainer placed on him by U.S. Immigration and Customs Enforcement, an agency spokesperson confirmed to Fox News.

Reported similarly:

[Breitbart](#) [11/15/2018 7:21 PM, John Binder, 2405K]

[Durham Herald-Sun](#) [11/15/2018 4:45 PM, Matthew Martinez, 37K, NC]

**[LA] Illegal aliens from Mexico plead guilty to re-entering U.S. after removal**

[Ouachita Citizen](#) [11/15/2018 9:46 AM, Staff, LA] reports two illegal aliens from Mexico pleaded guilty this week to re-entering the United States after having been previously removed twice, according to U.S. Attorney David Joseph's office. On Aug. 24, Alfredo Holguin-Mendez, 34, of Mexico, was arrested in Shreveport for solicitation of prostitution. After law enforcement determined he was in the United States illegally, Homeland Security Investigations agents took custody of Holguin-Mendez and learned that he had previously



been deported twice. In 2005, Holguin-Mendez pleaded guilty to driving while intoxicated with a child passenger in Midland, Texas, and was removed to Mexico in 2006 after serving his sentence. In 2008, Holguin-Mendez was arrested after a traffic stop for illegal re-entry into the United States and was subsequently removed. In 2011, Shreveport police arrested Holguin-Mendez for possession of cocaine to which he pleaded guilty.

Reported similarly: [KPLC-TV](#) [11/15/2018 5:50 PM, Patrick Deaville, 10K, LA]

**[TX] Jim Wells County deputies catch illegal immigrant smuggler near Alice**

[Kiii-TV](#) [11/15/2018 7:29 PM, Staff, 7K, TX] reports Jim Wells County deputies were able to put a stop to an illegal immigrant smuggling scheme Wednesday during a traffic stop near Alice. Deputies caught a man driving a car with two illegal immigrants inside. All three people inside the car were arrested and sent to the Freer Border Patrol Checkpoint for processing. [Editorial note: consult source link for video]

**[ND] 3 arrested in 2 separate undocumented immigrant incidents on ND, Canadian border**

[KFYR-TV](#) [11/15/2018 1:12 PM, Staff, 9K, ND] reports three arrests from two separate incidents involve undocumented immigrants on the Canadian border earlier this month. Customs and Border Protection say both incidents occurred on Nov. 3. One of them was at the Pembina Port of Entry, the other was at the Dunseith, N.D., border crossing. CBP says the incident at Dunseith, happened at 3:45 p.m. That's when CBP officers performed a trunk exam on a car driven by a 50-year-old Colombian man. Officers say they found a 39-year-old man from Mexico inside. CBP officers paroled the men into the United States and they are being held at the Grand Forks Correctional Center pending criminal proceedings. The incident at Pembina happened at 8:45 p.m. CBP officers say they stopped a 41 year old man from the U.S. driving a rental car. CBP says the man was suspected of smuggling two citizens of Mexico into the United States. The man was taken into custody and is also being held at the GFCC.

**[AZ] More than 650 illegal immigrants crossing southern border detained in Arizona over two days**

[FOX News](#) [11/15/2018 1:43 PM, Lucia Suarez Sang, 10787K] reports as thousands of troops deployed to the southern border await the arrival of a caravan of migrants heading towards the U.S., border patrol agents in Arizona have already been busy, detaining more than 650 illegal immigrants in just two days this week. Agents in the Yuma Sector said they detained 654 people – most reportedly being family units or unaccompanied minors from Guatemala – on Monday and Tuesday. Officials said the groups of illegal immigrants are not believed to be associated with the large caravan of mostly Central American migrants that have prompted the military deployment. U.S. Customs and Border Protection said Wednesday a group of 55 Central Americans waded across the Colorado River near Yuma and surrendered to agents after walking around vehicle barriers in the area.

**[AZ] After 2,000 Miles They Crossed the U.S. Border; Then Tragedy Struck**

[U.S. News & World Report](#) [11/14/2018 7:14 AM, Staff, 3264K] reports the 911 emergency call came in to the U.S. Border Patrol's Tucson station around midnight. Joselino Gomez Esteban's voice crackled through an older cell phone from somewhere in Arizona's Sonoran Desert, the final stretch of a 2,000-mile migration from Guatemala. Gomez said he was lost. He needed help. His nephew had collapsed, wouldn't respond.

Each year hundreds of migrants die trying to cross into the United States from Mexico. The Border Patrol tallied 294 deaths in fiscal year 2017, the last year for which data is available. A quarter of those known deaths – 72 people – came in the Tucson border sector, where summer temperatures routinely hit triple digits. Between October of 2017 and October of 2018, the Tucson Border Patrol launched 923 rescue operations, a 22 percent rise from a year before, according to an agency official. "We see this day in and day out," said Greg Hess, the county's chief medical examiner. Sometimes only bones are recovered; sometimes identifications are impossible. When they can, the office arranges for the return of remains to family members back home.

**[OR] Oregon Jail Has Released Inmates To Save Space For ICE Detainees**

[Oregon Public Broadcasting](#) [11/15/2018 7:54 PM, Conrad Wilson, 54K, OR] reports a regional jail in The Dalles, Oregon, that houses detainees for U.S. Immigration and Customs Enforcement has suggested local sheriffs keep their "numbers low" in the jail to make room for immigrant detainees. The Northern Oregon Regional Corrections Facility – or NORCOR – has housed immigration detainees since 1999, when the facility first opened. Critics of that process say it violates Oregon's sanctuary law and have sued the jail. Documents included in that lawsuit give potential insight into how NORCOR allocates space for ICE detainees. In a Sept. 29, 2016 email, then-NORCOR Lt. Dan Lindhorst wrote ICE to ask that they increase their number of detainees at the jail. Less than three hours later, an ICE official wrote back indicating detainees would soon arrive from the Northwest Detention Center in Tacoma, Washington.

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Monday, Nov. 19, 2018**

## **Executive Office for Immigration Review**

U.S. judge to weigh temporary halt to Trump's asylum order ..... 3

Trump Administration Again Considering Ways To Force People To Wait In Mexico For Their Immigration Cases ..... 3

Trump Administration Faces 2 Legal Challenges For Asylum Restrictions ..... 4

Challenges Straining the Immigration Court System ..... 4

Justice Department: Half of young illegal immigrants skip deportation hearings, up 1,500 percent ..... 4

[NY] Lawsuit: Immigrant Detainees Wait average 80 Days for Court Date ..... 5

[CO] Trump Administration Directs Colorado Immigration Court To Speed Up Asylum Cases For Families ..... 5

## **Policy and Legislative News**

At the U.S. border, migrant caravan will slow to a crawl ..... 6

In Tijuana, a city of migrants turns on Central American caravan that's reached the border ..... 7

Seeking Asylum at the Border: Victims, Not Criminals ..... 8

Presidential proclamations cannot take away the right to seek asylum ..... 8

Undeterred by border crackdown, Central Americans still seek the U.S. 'dream' ..... 9

Trump Returns To Bashing The Migrant Caravan, Calling It A 'Big Con' ..... 9

A Way for Migrants to Ease U.S. Entry: Come as a Family ..... 10

CBP preps for caravan with finite resources for processing asylum-seekers ..... 10

Migrants won't see armed U.S. soldiers on border ..... 10

Homeland Security focuses on border security – not processing asylum applications from migrant caravan ..... 11

Tucson Border Patrol Chief: Immigration Surge Challenges Resources ..... 11

N.Y., Other Attorneys General Demand President Reverse Immigrant Child Separation Policy ..... 11

More than 14,000 immigrant children are in U.S. custody, an all-time high .... 11

Trump administration says giving confidential Census information to ICE is open to 'debate' .....	12
Trump Says DHS Secretary Nielsen Needs to Get 'Much Tougher'.....	12
Democrats plot response to Trump on immigration amid fears they could go too far .....	13
Incoming House freshmen spar over Trump's border policy .....	13
Kamala Harris compares ICE to KKK, gets slammed for 'disgusting,' 'horrificing' remarks.....	14
Progressives Retreat from Efforts to 'Abolish ICE,' Will Focus on Other Issues Instead .....	14
America's border wars: my week in a land of trauma .....	15
[NY] Albany rally shows support for asylum seekers.....	15
[NJ] Law Enforcement Officers in New Jersey Are Transferring More and More Immigrants to ICE .....	16
[NC] Alamance Sheriff won't rejoin 287(g), but could still hold ICE detainees .....	16
[NC] What does it mean to seek asylum? Local attorney explains .....	16
[MI] Kalamazoo County sheriff says ICE cooperation is necessary .....	16
[TX] 'MS-13 is probably the most violent and uncaring bunch out there,' says Homeland Security .....	17
[AZ] Phoenix Pastor opens church to host immigrant families released by ICE .....	17
[WA] Hunger striker at Tacoma immigration jail carried out of cell, apparently unconscious .....	17
[WA] Seattle University suspends ICE partnership over 'unjust,' 'inhumane' treatment of immigrants .....	18

[OR] Anti-Trump mayor of Portland, Ore., mutters he 'can't wait' to leave office .....	18
[CA] California National Guardsman Arrested for Trafficking Illegal Aliens Across the Southern Border .....	18
[Mexico] How Mexico's next president will defy Trump on immigration.....	19

## Legal News

Judge approves settlement giving some migrant parents second chance at asylum .....	19
Breaking Down ICE's Role in Asylum Cases .....	19
Across U.S., tax dollars being poured into 'legal defense fund for illegals' .....	19
App uses cryptocurrency to help detainees pay ICE bail money .....	20
[VT] Immigrant Advocates Sue U.S. Government Over 'Surveillance,' Arrests .....	20
[NH] Judge frees Somali immigrant who was detained 9 months.....	21
[MA] ACLU Sues Boston Police Department for Access to Gang Database .....	21
[NY] Court rules NYPD cannot help ICE arrest immigrants .....	21
[NY] Immigration judge denies appeal of longtime Mount Kisco synagogue custodian: Rabbi .....	22
[NY] NY Says Funding Ban For Sanctuary Locales Unconstitutional.....	22
[NJ] State Division of Consumer Affairs investigates 28 immigrant service businesses for fraud .....	22
[VA] Federal Court Denies Motion to Dismiss Lawsuit on Behalf of Immigrants .....	23
[TX] Labor lawsuit says trailer company targeted in massive ICE raid stiffed workers on overtime .....	23

[CA] ICE Detainee's Wedding Case Tossed For Lack Of Response .....	23	[AR] WATCH: Dashcam Video Shows Illegal Immigrant Opening Fire on Police Officer .....	26
<b>Enforcement News</b>		[IN] Police: Undocumented immigrant in South Bend arrested on suspicion he was dealing cocaine .....	27
Why some immigrants spend many years in detention .....	24	[IN] Two teens arrested for armed robbery .....	27
Some 7-Eleven Franchisees Say Corporation Is Referring Critics To ICE .....	24	[IN] Feds Seek Prison Time for Previously Deported Child Rapist.....	27
Protesters heading home after journey to detention center housing juvenile migrants .....	25	[WI] Previously Deported Migrant Faces Drug Trafficking, Prostitution, Firearms Charges .....	27
Warren, 2020 Dems target private immigration detention center operators .....	25	[IA] Honduran illegal caught drunk in Iowa sentenced to prison for reentering the United States .....	28
[MA] Undocumented immigrant accused of attacking shipmates with knife, hammer on fishing boat off the coast of Massachusetts .....	25	[IA] Illegal alien from Guatemala sent to prison for illegally reentering U.S.; caught drunk driving twice .....	28
[NJ] NJ Dads Arrested By ICE After School-Drop Off Out Of Detention .....	25	[TX] T. Don Hutto inmate transferred after visit from Taylor city councilman .	28
[TN] Memphis reporter wins temporary stay of deportation .....	26	[OR] Oregon jail makes room for immigrant detainees .....	29

## Executive Office for Immigration Review

### U.S. judge to weigh temporary halt to Trump's asylum order

[Reuters](#) [11/19/2018 7:04 AM, Staff] reports that civil rights groups will urge a U.S. judge on Monday to temporarily halt an order by President Donald Trump that bars asylum for migrants who illegally cross the border with Mexico. The groups argued in court papers that Trump's Nov. 9 order violated administrative and immigration law. The hearing before U.S. District Judge Jon Tigar in San Francisco comes as thousands of Central Americans, including a large number of children, are traveling in caravans toward the U.S. border to escape violence and poverty at home. Some have already arrived at Tijuana, a Mexican city on the border with California.

### Trump Administration Again Considering Ways To Force People To Wait In Mexico For Their Immigration Cases

[BuzzFeed](#) [11/16/2018 4:11 PM, Hamed Aleaziz, 8149K] reports U.S. immigration officials met to discuss a proposal to send those who arrive at the U.S.-Mexico border while their immigration cases are being processed in the United States, according to sources close to the administration. The meeting, which included officials from U.S. Citizenship and Immigration Services, Immigration and Customs Enforcement, and U.S. Customs and Border Protection, was meant so officials could consider a potential regulation that would apply immediately to individuals at the U.S.-Mexico border, including asylum applicants.



Such a proposal would forgo the normally deliberative system that allows for public comment before a new rule is implemented. It's unclear how the Mexican government would react to such a proposal. Trump administration officials have long complained that limited detention space forces them to release migrants who then live in the country for months or years as they wait for their case to be heard in immigration courts.

### **Trump Administration Faces 2 Legal Challenges For Asylum Restrictions**

[NPR](#) [11/19/2018 5:00 AM, Richard Gonzales] reports President Trump's effort to limit the number of people seeking asylum in the United States will face legal challenges in two different federal courts on Monday. A federal judge in California will hear a challenge to the president's recent proclamation that requires asylum-seekers to present themselves at official ports of entry. The language of the proclamation makes clear that the administration is primarily concerned with the migrant caravan moving north through Mexico. But a lawsuit filed by the American Civil Liberties Union (ACLU), the Center for Constitutional Rights (CCR) and the Southern Poverty Law Center (SPLC) argues that the president's proclamation violates federal law in two ways: first, it bypasses rules requiring at least 30 days for "notice and comment" on changes in government regulations; and second, it limits asylum seekers to ports of entry. Under current federal law, migrants may apply for asylum inside the U.S. even if they entered the country illegally. The migrant advocates are asking U.S. District Judge Jon Tigar for a temporary restraining order to stop the administration from implementing the asylum restrictions nationwide. In a court filing late last week, lawyers for the Justice Department argued that the president has "broad discretion to suspend the entry of aliens into the United States." They said the new rule had to go into immediate effect to avoid creating a rush on the border and that the administration has the right to require asylum-seekers to present themselves at ports of entry.

### **Challenges Straining the Immigration Court System**

[Arizona Public Media](#) [11/16/2018 7:05 PM, Staff, 4K, AZ] reports that the recent influx of asylum seekers comes as the immigration court system is already experiencing severe backlogs. To discuss some of the challenges straining the judicial system, Arizona Daily Star border and immigration reporter Perla Trevizo and University of Arizona James E. Rogers College of Law professor Shefali Milczarek-Desai joined Lorraine Rivera in the Arizona 360 studio. [Editorial note: consult video link [HERE](#)]

### **Justice Department: Half of young illegal immigrants skip deportation hearings, up 1,500 percent**

[Washington Examiner](#) [11/16/2018 11:33 AM, Paul Bedard, 567K, DC] reports that half of young illegal immigrants that are caught crossing the border are no-shows in deportation courts, deciding to hide out in the country potentially for the rest of their lives, according to new Justice Department statistics. Potentially 25,000 mostly young, single males from Latin America do not comply with orders to appear in court, said an analysis of the Justice Department statistics. This year, experts project that some 60,000 "unaccompanied alien children" will cross the border. Most will be given a temporary pass into the country and orders to appear at immigration court. The analysis by the Center for Immigration Studies said, however, that half are no-shows who are judged in absentia.

"The number of UACs who were ordered removed in absentia, that is, after failing to appear for immigration court, has skyrocketed from 450 in FY 2010 to 6,662 in FY 2018, an almost 1,500 percent increase during a period of time when the number of UACs apprehended

increased about 272 percent (from 18,411 in FY 2010 to 50,036 in FY 2018). In fact, in FY 2018, half of all case completions involving UACs were in absentia orders [according to Justice's Executive Office for Immigration Review], compared to an overall in absentia average of 25 percent of all case completions," said the report written by former immigration official Andrew Arthur.

**[NY] Lawsuit: Immigrant Detainees Wait average 80 Days for Court Date**

[WNYC](#) [11/16/2018 10:10 AM, Beth Fertig, NY] reports immigrants detained in the New York City area spend about 80 days waiting to see a judge for the first time, according to a new class action lawsuit filed Thursday against the government. Niji Jain, impact litigation attorney with the Bronx Defenders, claims that delay violates their constitutional right to due process. The lawsuit, which names Immigration and Customs Enforcement, the U.S. Department of Homeland Security and other federal agencies, claims there's been a "dramatic deterioration" in the time detained immigrants spend waiting to see a judge. It points to federal data showing initial court appearances typically occurred within 11 days of an arrest in 2014. But more than 70 percent of immigrants now wait more than two months. That first court appearance is when a judge can set bond, allowing the immigrant to go home until the next court hearing, but that's rarely happening now according to the lawsuit. It's also when detained immigrants in New York City get assigned free lawyers, funded by the de Blasio administration and the City Council. Otherwise, there is no guaranteed right to counsel in immigration court. When immigrants are arrested in New York City they're taken to three detention centers run by Immigration and Customs Enforcement (ICE). Immigrants held in all three of the jails used to appear in person at a court on Varick Street, in lower Manhattan, that's specifically for immigrants in detention. But after a protest outside the building in June, the immigration court began conducting hearings by video teleconference, a system which can be fraught with technical problems and delays. Jain speculated that the Varick Street court may be struggling to process more cases. Spokespersons for Immigration and Customs Enforcement and the Executive Office for Immigration Review, which runs the immigration courts, said their agencies don't comment on pending lawsuits.

[Law 360](#) [11/16/2018 4:30 PM, Suzanne Monyak] reports the lawsuit further alleges that this practice "marks a dramatic deterioration" from the wait times from four years ago, when detainees usually received a hearing before an immigration judge less than two weeks after they were arrested, according to the complaint. The proposed class is led by Uriel Vazquez Perez, a New York resident and father of two who was arrested by ICE in late October and is currently being held at a New York jail awaiting his first immigration court appearance. Vazquez Perez is seeking to represent a class of immigration detainees arrested for removal by ICE's New York Field Office who have not yet seen an immigration judge. According to the Cardoza Immigration Justice Clinic, between 1,000 and 2,000 New York residents are arrested for suspected immigration offenses each year. Representatives for ICE and DHS both declined to comment.

Reported similarly:

[Washington Post](#) [11/16/2018 3:31 PM, Associated Press]

[New York Law Journal](#) [11/16/2018 4:35 PM, Andrew Denney, NY]

**[CO] Trump Administration Directs Colorado Immigration Court To Speed Up Asylum Cases For Families**

[KUNC](#) [11/16/2018 1:06 PM, Durrie Bouscaren, 7K, CO] reports that earlier this year, the Department of Justice instructed 10 immigration courts around the country to speed up cases of families seeking asylum on U.S. soil. In Denver, that directive is being carried out in a series of group hearings, designed to decide cases in less than a year. On one day in late October, dozens of families sat before Judge Alison Kane for an initial hearing that lasted less than a half hour. Proponents of fast-tracking these cases say a surge of asylum claims and a massive backlog has drawn out cases for years. Immigration advocates, however, say that cases decided in a matter of months can't possibly allow the evidence to be fully heard – putting families with valid claims in danger.

Reporter Durrie Bouscaren reports from an immigration court in Denver where mass family hearings have begun as part of the Department of Justice's push to fast-track asylum cases. Even in its short tenure, Trump's Justice Department has taken a hardline approach to the immigration court system that it oversees. In April judges were given quotas of 700 cases per year. Then in May a memo eliminated some avenues for judges to independently delay cases through administrative measures. The policy to expedite family cases has not been touted publicly or outlined in a formal memo, said Ashley Tabaddor, president of the National Association of Immigration Judges. A spokesperson for the branch of the Justice Department that oversees these cases, the Executive Office for Immigration Review, confirmed the new procedure. New family cases must be scheduled for an initial hearing within 30 days. "The courts are instructed to expedite these cases through to their completion," the spokesperson wrote in a statement. But requests to explain why families were being pushed to the front of the line went unanswered. [Editorial note: consult audio link [HERE](#).]

## Policy and Legislative News

### **At the U.S. border, migrant caravan will slow to a crawl**

[Washington Post](#) [11/16/2018 6:07 PM, Joshua Partlow and Sarah Kinoshian, 11653K] reports that when the Central American caravan finally crosses onto U.S. soil – past the fresh coils of barbed wire, through the chain-link door – its people will begin a closely monitored existence in U.S. custody, with showers every two days and guard checks every 15 minutes. They will live at the San Ysidro port of entry in one of 31 holding rooms with painted cinder-block walls, the largest of which holds space for 25 people, sleeping under Mylar blankets on rubber mats, watched by video surveillance. They will have two hot meals a day, a cold lunch and possibly cereal before bed. What the experience won't be, for the several thousand migrants who are now pooling up in Tijuana, is fast.

"We have a process in place," said Sidney Aki, the San Ysidro port director for U.S. Customs and Border Protection. "Please be patient." After more than a month and some 3,000 miles, the caravan has reached the end of its road. What had been a plodding slog through southern Mexico rapidly accelerated in the past week, as many migrants rode in buses, provided by local governments, along the route from Mexico City north to the border. More than 2,000 people have arrived in Tijuana this week, with another 7,000 not far behind, according to Mexican authorities. That doesn't include the roughly 3,000 migrants who were already in Tijuana seeking legal entry into the United States. For many in the caravan, the next step is to apply for asylum at the San Ysidro border crossing, and what that means is waiting. Waiting for ICE is a major bottleneck, Aki said. "We're taking the blame for everything," Aki said. But until ICE moves migrants out, "we can't do anything."

ICE did not immediately respond to a request for comment.

The [New York Times](#) [11/18/2018 9:00 PM, Elisabeth Malkin] reports that Tijuana's mayor, Juan Manuel Gastélum, has estimated that if all of the Central American migrants traveling north come to the city and seek asylum in the United States, it could take six months for their claims to be heard at the main port of entry to San Diego. They must take their turn behind about 3,000 others — from Mexico, nations across Central and South America, and even West Africa — who are waiting for an interview with a United States asylum officer. The delay may last as long as two months.

The [Wall Street Journal](#) [11/18/2018 5:36 PM, Alicia A. Caldwell and Santiago Perez] reports that about half of Tijuana's 1,000 beds in shelters and churches have been filled with members of the caravan, and the city has turned a local stadium into a temporary shelter that can house 2,000, according to Enrique Morones, who runs the aid group Border Angels. The early arrivees are a mix of childless adults and families who took buses after the caravan, traveling primarily by foot, and arrived in Mexico City earlier this month.

The [San Diego Union-Tribune](#) [11/16/2018 8:35 PM, Sandra Dibble and Gustavo Solis, 291K, CA] reports, "We're estimating that they will be here at least six months, and in some cases as long as a year and a half," Francisco Rueda Gomez, Baja California's secretary-general, said Friday at a City Hall meeting, before rushing across the border for a meeting with U.S. officials in San Ysidro. Five days after an initial group of 77 caravan members arrived in Tijuana, the total by Friday had reached 2,679, according Mexico's National Migration Institute. A smaller number, 657, remained in Mexicali, the state capital. Another 3,200 were in the states of Sonora and Sinaloa, and presumably headed to Baja California, an immigration official told a room packed with government officials, human rights representatives, migrant advocates and shelter directors.

Additional reporting:

[Washington Post](#) [11/18/2018 2:42 AM, Julie Watson]

[ThinkProgress](#) [11/17/2018 8:00 AM, Sam Fulwood III, 480K]

[New York Post](#) [11/16/2018 4:32 PM, Chris Perez, 3705K, NY]

[KTLA](#) [11/16/2018 4:23 AM, Associated Press, CA]

[ABC 10 News](#) [11/16/2018 5:17 PM, Cassie Carlisle, 71K, CA]

[CW6-San Diego](#) [11/16/2018 10:00 PM, Neda Iranpour, 2K, CA]

[Palm Springs Desert Sun](#) [11/18/2018 8:17 AM, Rebecca Plevin, 22K, CA]

### **In Tijuana, a city of migrants turns on Central American caravan that's reached the border**

[Los Angeles Times](#) [11/18/2018 5:10 PM, Patrick J. McDonnell] reports this city of migrants has turned on the caravan of thousands of Central American migrants that has roiled the border town. "This is an invasion!" shouted Luis Alexis Mendoza, 30, a bespectacled carpenter who was among scores of protesting Tijuana residents staging an anti-caravan demonstration Sunday that culminated in a standoff with riot police on the street where more than 2,000 Central Americans were being housed in a sports facility. "We demand respect! We demand that our laws be followed." He and others denounced caravan members — mostly Honduran nationals — as "criminals," "bums," and "freeloaders," among other negative characterizations used to describe the Central Americans. Tijuana's Zona Norte, where Sunday's protest march culminated, was once a smuggler's hub and home to cheap hotels and safe-houses where migrants, mostly Mexican nationals, congregated

before crossing the border. But, in recent years, U.S. authorities have largely shut down illegal entry from Tijuana by erecting several layers of fencing and other obstacles while bolstering Border Patrol ranks. Many of the caravan members are expected to apply for political asylum in the United States, an option largely not available for Mexican nationals. They say they plan to try to cross legally and make their asylum claims, despite warnings from the Trump administration that they will face long waits with little prospect for success.

[KTLA](#) [11/18/2018 6:37 PM, Staff, 212K, CA] reports hundreds of Tijuana residents congregated around a monument in an affluent section of the city south of California on Sunday to protest the thousands of Central American migrants who have arrived via caravan in hopes of a new life in the U.S. On Sunday, displeased Tijuana residents waved Mexican flags, sang the Mexican national anthem and chanted "Out! Out!" in front of a statue of the Aztec ruler Cuauhtemoc, 1 mile from the U.S. border. They accused the migrants of being messy, ungrateful and a danger to Tijuana. They also complained about how the caravan forced its way into Mexico, calling it an "invasion." And they voiced worries that their taxes might be spent to care for the group. [Editorial note: consult source link for video]

Additional reporting:

[NBC News](#) [11/18/2018 2:01 PM, Gabe Gutierrez and Annie Rose Ramos, 3539K

[Palm Springs Desert Sun](#) [11/18/2018 4:31 PM, Rebecca Plevin, CA]

### **Seeking Asylum at the Border: Victims, Not Criminals**

[New York Times](#) [11/16/2018 5:35 PM, Layli Miller-Muro] reports as a law student more than 20 years ago, I helped Fauziya Kassindja, a 17-year-old who fled Togo to avoid forced marriage and female genital mutilation. Upon arriving in the United States, instead of finding protection, Fauziya spent more than 17 months in detention. Her case would go on to become a landmark ruling setting the legal precedent for gender-based asylum cases and led to my founding the Tahirih Justice Center. Since then, our pro bono lawyers have represented thousands of women and girls like Fauziya seeking protection from gender-based persecution. Those protections and the vulnerable communities they serve are now threatened if the Trump administration turns away asylum seekers or incarcerates them indefinitely. Seeking asylum at the border is not illegal and is in compliance with United States and international law dating back to the Holocaust. Women like Fauziya and countless others are victims, not criminals. We must continue to uphold our values and be a bridge to safety for those who seek refuge and a chance to live safely and with dignity in the United States.

### **Presidential proclamations cannot take away the right to seek asylum**

[The Hill](#) [11/18/2018 7:00 PM, Sara Ramey] reports on Nov. 9 the Department of Homeland Security (DHS) and the Department of Justice (DOJ) published an interim final rule setting the stage for Trump to issue by "proclamation" — a prohibition on asylum for those who cross the southern border without permission. Shortly thereafter Trump issued a proclamation, which purports to take away the right to asylum from people who cross the border without documents starting on Nov. 10 and lasting for 90 days. The manner in which someone enters the country has little legal bearing on a person's right to seek asylum. The Board of Immigration Appeals has long held that "an alien's manner of entry or attempted entry ... should not be considered in such a way that the practical effect is to deny [asylum] relief in virtually all cases." *Matter of Pula*. Trump lists several reasons for his proclamation,



none of which hold up under review. First, he states that most of the individuals traveling in the caravan will not be eligible for asylum, prejudging their cases without any evidence, except the ludicrous claim that because others in the past have not qualified, these new asylum seekers also will not qualify. According to the government's own numbers, if this policy had been applied in fiscal year 2018, 4,500 people who were granted asylum would have been arbitrarily denied protection and deported. This is a lot of lives the government is playing with.

### **Undeterred by border crackdown, Central Americans still seek the U.S. 'dream'**

[San Antonio Express-News](#) [11/18/2018 9:39 AM, Dudley Althaus, 36K, TX] reports frustrated this year by a spike in undocumented immigration and several caravans of asylum-seeking Central Americans heading for the U.S. border, President Trump has doubled down on his vow to close the border to people. Trump has dispatched troops to the border to dissuade those crossing illegally. He's also issued a presidential order – under challenge in the courts – requiring that, for the next three months, anyone seeking to apply for asylum must do so at international bridges or other official border posts. That's caused delays of days, even weeks, for those trying to make asylum claims according to the rules. The measures may be aimed at sending a tough message to the estimated 8,000 migrants in the caravans heading toward the border with California.

Despite talk of a broken border, illegal immigration has been plummeting since the turn of the century as border security increased and Mexico's economy and demographics have kept more people at home. Border Patrol agents detained slightly fewer than 400,000 undocumented migrants on the southwestern border in the twelve months ending in September. They arrested more than 1.6 million such migrants 18 years ago.

### **Trump Returns To Bashing The Migrant Caravan, Calling It A 'Big Con'**

[Huffington Post](#) [11/16/2018 11:23 PM, Mary Papenfuss, 9094K] reports after a brief respite from attacking the migrant caravan traveling to the U.S. border, President Donald Trump slammed it again Friday, calling it a "con" because the travelers were waving flags from their own countries. Trump relentlessly lashed out at the caravan during his flurry of campaign appearances stumping for Republican candidates ahead of the midterm elections. He also dispatched 5,200 U.S. troops to the border. Then he was uncharacteristically mum on the issue after the GOP lost control of the U.S. House to the Democrats. Trump tweeted that it was "ironic" that people seeking asylum in the U.S. were waving the flags of their countries. He said it was proof that their search for safety in America was "all a BIG CON."

The [Washington Examiner](#) [11/16/2018 9:00 PM, Caitlin Yilek, DC] reports President Trump questioned why Central American migrants heading toward the U.S.-Mexico border are carrying the flags of their home countries if they want asylum in the U.S. The majority of migrants have left their home countries to escape crime and poverty. After more than a month of traveling through Central America and Mexico, thousands have reached the border, with more not far behind. "Isn't it ironic that large Caravans of people are marching to our border wanting U.S.A. asylum because they are fearful of being in their country — yet they are proudly waving their country's flag. Can this be possible? Yes, because it is all a BIG CON, and the American taxpayer is paying for it!" Trump tweeted Friday.

Additional reporting:

[The Hill](#) [11/16/2018 9:06 PM, Brent D. Griffiths]  
[New York Post](#) [11/19/2018 6:17 PM, Nikki Schwab, NY]

### **A Way for Migrants to Ease U.S. Entry: Come as a Family**

[Wall Street Journal](#) [11/16/2018 5:44 PM, Ryan Dube and Robbie Whelan] reports that the number of Central American families with children arriving at the U.S. border seeking asylum has surged in recent years — and they keep coming, as more migrant caravans make their way through Mexico. Families from crime-ridden Honduras, Guatemala and El Salvador are able to gain entry by demonstrating a credible fear of returning home, and having children in tow can shorten the length of time they are detained in the U.S. As they wait for court hearings on their asylum claims in a process that can take years, most are released into the U.S. because of a 20-day limit on detaining minors; an adult traveling alone could be detained much longer. In fiscal year 2018, which ran from October 2017 to September 2018, a record of 107,212 immigrants traveling in families were apprehended at the U.S. border with Mexico, compared with 14,855 in fiscal year 2013, according to U.S. Customs and Border Protection. The number of apprehended families hit a new monthly record in October, with officials catching roughly 23,100 immigrants traveling as families. Most are coming from Central America.

Reported similarly: [Breitbart](#) [11/16/2018 9:23 PM, Neil Munro, 2405K]

### **CBP preps for caravan with finite resources for processing asylum-seekers**

[Nogales International](#) [11/17/2018 11:30 AM, Genesis Lara, 1K, AZ] reports that while a line of people waited to cross the border into the United States through the DeConcini Pedestrian Port of Entry on Friday morning, another approximately two dozen individuals were being held in a detention area the size of a large classroom on the second floor. Earlier that day, CBP had allowed about 15 Central American asylum-seekers into the port, said Assistant Port Director Jesus Cruz. But the limited-capacity detention area wasn't just for them. CBP also needs the space for people it detains for criminal activity. In response to thousands-strong caravans of migrants making their way through Mexico to the U.S. border, Army troops have been fortifying the local ports of entry with concertina wire and steel container barriers in an effort to compel any who arrive here to seek lawful and orderly entry through the ports' pedestrian lanes. However, even if large groups of asylum-seekers show up and follow the rules rather than rushing the border, CBP is constrained by factors such as space, fire codes and health concerns to processing them in limited numbers at DeConcini, which has the only processing area among the city's three ports.

### **Migrants won't see armed U.S. soldiers on border**

[Washington Post](#) [11/16/2018 11:56 PM, Julie Watson] reports that as thousands of migrants in a caravan of Central American asylum-seekers converge on the doorstep of the United States, what they won't find are armed American soldiers standing guard. Instead they will see cranes installing towering panels of metal bars and troops wrapping concertina wire around barriers while military helicopters fly overhead, carrying border patrol agents to and from locations along the U.S.-Mexico border. That's because U.S. military troops are prohibited from carrying out law enforcement duties. What's more, the bulk of the troops are in Texas — hundreds of miles away from the caravan that started arriving this week in Tijuana on Mexico's border with California after walking and hitching rides for the past month. Still, for many migrants the barriers and barbed wire were an imposing show of force.

### **Homeland Security focuses on border security – not processing asylum applications from migrant caravan**

[USA Today](#) [11/17/2018 9:51 AM, Alan Gomez] reports that President Donald Trump has mobilized a historic surge of manpower and equipment to the southern border to respond to the migrant caravan, deploying thousands of active-duty military troops, hundreds of Border Patrol agents, and miles of concertina wire to prevent what Trump has described as a possible "invasion" of the country. But none of those efforts will change how quickly U.S. officials can process the thousands of migrants who are trying to legally present themselves at ports of entry to request asylum. Department of Homeland Security officials say their main focus is on preventing illegal border crossings, and do not plan on overhauling their operations to increase the number of asylum-seekers allowed to enter each day. "As we have said repeatedly, being a member of a caravan doesn't give you any special rights to enter the country," Department of Homeland Security spokesman Katie Waldman said in a statement. "If they arrive at a Port of Entry, they will have to wait in line in keeping with the lawful processes at our ports of entry." Immigration advocates say that approach represents yet another attack on a group of Central Americans who want nothing more than to exercise their legal right, written into U.S. law and international conventions, to plead their case for asylum.

### **Tucson Border Patrol Chief: Immigration Surge Challenges Resources**

[Arizona Public Media](#) [11/16/2018 7:02 PM, Staff, 4K, AZ] reports that the increase in arrests at the border translates into a new normal for the Border Patrol. Tucson Sector Chief Patrol Agent Rodolfo Karisch discussed how the agency is handling the influx. Karisch explained more about the rise in family units requesting asylum in recent months and how drug cartels are profiting from the surge. [Editorial note: consult source link for video]

### **N.Y., Other Attorneys General Demand President Reverse Immigrant Child Separation Policy**

[Jamestown Post-Journal](#) [11/18/2018 3:25 AM, Staff, 9K, NY] reports that Barbara D. Underwood, New York attorney general, is part of a coalition of 12 attorneys general to send a letter demanding the Trump administration immediately reverse a policy that has delayed and prevented the placement of unaccompanied migrant children with their family members or other appropriate sponsors living in the United States, keeping such children in prolonged federal detention. "These unaccompanied children have already faced profound trauma. It's unconscionable that the Trump administration is further prolonging their detention and unnecessarily keeping them separated from family or sponsors," Underwood said. "The federal government must immediately reverse this inhumane policy." According to the letter, sent to U.S. Health and Human Services Secretary Alex M. Azar II and U.S. Department of Homeland Security Secretary Kirstjen M. Nielsen, the policy requires prospective sponsors of unaccompanied migrant children and their entire households to submit to fingerprinting and background checks, which are automatically shared with Immigration and Customs Enforcement.

Reported similarly: [CBS Chicago](#) [11/16/2018 2:16 PM, Staff, 56K, IL]

### **More than 14,000 immigrant children are in U.S. custody, an all-time high**

[San Francisco Chronicle](#) [11/16/2018 4:11 PM, Tal Kopan] reports the number of undocumented immigrant children in government custody has topped 14,000 for the first time, a rise that shows no signs of slowing as the Trump administration enforces policies

that are keeping them in government facilities longer. There were 14,056 unaccompanied immigrant minors in Department of Health and Human Services custody on Friday, according to a government source familiar with the number. A spokeswoman for the Department of Health and Human Services confirmed that the total had reached approximately 14,000. That number tops records set just two months ago, putting further strain on an already overburdened system. Sen. Kamala Harris, D-California, co-sponsored a bill this week that would bar the government from using information it collects in the process of resettling children to arrest immigrants. It would also divert funding from ICE to pay for Health and Human Services care. Health and Human Services spokeswoman Evelyn Stauffer attributed the growing number of children in custody to a "crisis at the border" and "broken immigration system." "Their ages and the hazardous journey they take make unaccompanied alien children vulnerable to human trafficking, exploitation and abuse," Stauffer said. "That is why HHS joins the president in calling on Congress to reform this broken system."

[The Hill](#) [11/16/2018 5:49 PM, Tal Axelrod, 2630K] reports Department of Health and Human Services spokeswoman Evelyn Stauffer said Friday in a statement to The Hill. The number of migrant children in HHS custody continues to rise in part because of an agency agreement with U.S. Immigrations and Customs Enforcement reached earlier this year that allows ICE to conduct background checks on potential sponsors, delaying the release of children from government custody.

Reported similarly: [Independent](#) [11/17/2018 4:57 PM, Chris Baynes, UK]

### **Trump administration says giving confidential Census information to ICE is open to 'debate'**

[ThinkProgress](#) [11/18/2018 6:53 AM, Frank Dale, 480K] reports that fears over President Donald Trump's push to add a citizenship question to the 2020 Census appeared to be realized in an email from his administration that surfaced on Friday. Information from the Census – which counts every person in America, including undocumented immigrants – containing "personally identifiable information about an individual" can't be released for 72 years. However, NPR's Hansi Lo Wang reported on Saturday that Trump's administration thinks this federal law could be subject to "debate." According to an internal Department of Justice email that was included in a court filing from one of the many lawsuits over the citizenship question, DOJ officials said providing confidential citizenship information to law enforcement could "come up later for renewed debate." "I don't think we want to say too much," officials from DOJ's Civil Rights Division said in response to Rep. Jimmy Gomez's questions about whether federal law would be followed with census confidentiality. Despite admitting they would "not directly address the question" in their internal email, DOJ officials told the California Democrat that the law would be followed.

### **Trump Says DHS Secretary Nielsen Needs to Get 'Much Tougher'**

[Wall Street Journal](#) [11/18/2018 12:43 PM, Alex Leary] reports that President Trump made clear that he isn't satisfied with the performance of two top officials, saying he wants Homeland Security Secretary Kirstjen Nielsen to be "much tougher" and that Ms. Nielsen's biggest defender in the West Wing, chief of staff John Kelly, lacks certain job skills. Mr. Trump has been discussing possible successors for both, White House officials said last week, amid broader changes in the administration as it heads into its third year. This month, Mr. Trump fired Attorney General Jeff Sessions amid long-running acrimony between the

two and ousted deputy national-security adviser Mira Ricardel, who had clashed with first lady Melania Trump's staff. Mr. Trump has been particularly unhappy over immigration, one of his signature campaign issues, and has privately criticized Ms. Nielsen for what he sees as a failure to sufficiently reduce the number of migrants seeking asylum from violence in Central America. Mr. Kelly, who has sought to save Ms. Nielsen's job, is seen as potentially exiting if Ms. Nielsen does. "I respect her a lot. She's very smart," Mr. Trump said of Ms. Nielsen in an interview that aired on Fox on Sunday. "I want her to get much tougher and we'll see what happens there. But I want to be extremely tough."

Additional reporting:

[Bloomberg](#) [11/18/2018 10:10 AM, Ben Brody]

[Boston Herald](#) [11/19/2018 4:00 AM, Kimberly Atkins, MA]

[VOX](#) [11/18/2018 12:47 PM, Rachel Withers, 3169K, DC]

### **Democrats plot response to Trump on immigration amid fears they could go too far**

[Washington Post](#) [11/17/2018 3:50 PM, David Nakamura and Seung Min Kim, 11653K] reports that Democratic candidates largely avoided engaging President Trump as he fanned public fears over a migrant caravan ahead of the midterm elections. But they also avoided confronting a key question for themselves: What kind of immigration system does the party stand for in the Trump era? The boldest, and most controversial, Democratic rebuttal to Trump's bumper-sticker sloganeering has come from progressive newcomers, most prominently Rep.-elect Alexandria Ocasio-Cortez, who swept to victory in New York behind calls to "abolish ICE" – the Immigration and Customs Enforcement agency, with 20,000 employees – over perceived abuses. Some party leaders, including Sens. Elizabeth Warren (D-Mass.) and Kirsten Gillibrand (D-N.Y.), both considered potential 2020 presidential contenders, echoed that sentiment. But other prominent Democrats urged restraint, fearful of overreaching and spurring a backlash among more moderate voters, while Trump and other Republicans have seized on the idea in contending that Democrats favor "open borders." Trump is likely to further roil the debate with his comments Saturday that this "would be a very good time to do a shutdown" of the government over the \$5 billion he has demanded to fund his wall along the U.S.-Mexico border.

Additional reporting: [The Hill](#) [11/17/2018 9:44 AM, Tal Axelrod, 2630K]

### **Incoming House freshmen spar over Trump's border policy**

[Politico](#) [11/18/2018 8:53 AM, Zachary Warmbrodt] reports that reps.-elect Dan Crenshaw (R-Texas) and Joe Neguse (D-Colo.) are already going head-to-head over President Donald Trump's decision to send troops to the U.S.-Mexico border, giving a preview of how a new class of lawmakers will grapple over the issue next year. During a panel discussion CBS was to air Sunday on "Face the Nation," Crenshaw said the administration was responding to a migrant caravan heading toward the border in "a very humane way." "If it's between letting people across and not letting people cross, we have to secure our border," said Crenshaw, a former Navy SEAL who served in Afghanistan. Neguse, the son of Eritrean refugees, said the deployment of more than 5,000 troops was the wrong approach. "The other option is to follow existing law and let folks go through the asylum process and to the extent that they are able to successfully claim asylum," he said. "Immigrants to this country have so much to give, and it's important we get this right." Also during the panel discussion, led by Margaret Brennan, Neguse and incoming House Democrats Deb



Haaland (D-N.M.) and Chrissy Houlahan (D-Pa.) said they would not vote for any kind of immigration overhaul legislation that includes funding for a border wall.

### **Kamala Harris compares ICE to KKK, gets slammed for 'disgusting,' 'horrifying' remarks**

[FOX News](#) [11/16/2018 5:16 AM, Lukas Mikelionis, 10787K] reports California Democrat and likely 2020 presidential candidate Sen. Kamala Harris drew fury after comparing U.S. Immigration and Customs Enforcement to the Ku Klux Klan during a hearing on Capitol Hill. She asked Ronald Vitiello, President Trump's nominee to lead ICE, whether he shares what she said was the public's view that ICE was spreading fear and mistrust, in particular among immigrant communities, the same way the KKK did. Vitiello pushed back against Harris' line of questioning, saying "I do not see any parallels" between the immigration enforcement agency and the white supremacist group and inquired whether she was asking him if the two were in the same category. [Editorial note: consult source link for video]

[FOX News](#) [11/16/2018 1:10 PM, Staff, 10787K] reports former Acting ICE Director Thomas Homan said he wanted to "throw up" after hearing Sen. Kamala Harris draw a parallel between U.S. Immigration and Customs Enforcement and the Ku Klux Klan. Harris made the remarks during the Senate confirmation hearing for Ronald Vitiello, President Trump's nominee to lead ICE. She asked Vitiello whether he shares what she said was the public's view that ICE was spreading fear and mistrust, in particular among immigrant communities, the same way the KKK did. "She put her political ambitions to be the president ahead of truth and ahead of the dignity of the men and women who serve this country," he said. He recommended that Harris go to the National Law Enforcement Memorial in Washington, D.C. to see the names of the fallen officers – including Border Patrol and ICE agents – who died protecting their country. "These are men and women who leave the safety and security of their home – every day they put their lives on the line for this country and hundreds have lost their lives," he said, calling Harris' comments "plain wrong."

Additional reporting:

[Breitbart](#) [11/17/2018 10:49 PM, Jeff Poor, 2405K]

[The Hill](#) [11/16/2018 9:47 AM, Morgan Gstalter, 2630K]

[CNN](#) [11/18/2018 4:53 PM, Staff]

[FOX News](#) [11/18/2018 9:21 AM, Staff]

[FOX News](#) [11/16/2018 7:09 PM, Staff]

[FOX News](#) [11/18/2018 9:21 AM, Staff]

[Independent Journal Review](#) [11/18/2018 9:21 AM, Carlin Becker]

[Epoch Times](#) [11/16/2018 12:16 PM, Tom Ozimek, 206K]

[CNS News](#) [11/16/2018 9:00 AM, Susan Jones, 98K]

[New York Post](#) [11/18/2018 9:40 PM, Staff, 3705K, NY]

[The Daily Caller](#) [11/16/2018 9:25 AM, Mike Brest, 909K, DC]

[Washington Examiner](#) [11/16/2018 12:03 PM, Anna Giaritelli, 567K, DC]

[Independent Journal Review](#) [11/18/2018 11:16 AM, Carlin Becker, 91K, VA]

### **Progressives Retreat from Efforts to 'Abolish ICE,' Will Focus on Other Issues Instead**

[Atlanta Black Star](#) [11/18/2018 8:00 PM, Tanasia Kenney, 75K, GA] reports at its first meeting since the midterms, members of the Congressional Progressive Caucus seemed to pump the brakes on efforts focused on abolishing the Immigration and Customs

Enforcement agency, an idea heavily pushed by progressive Democrats leading up to last week's elections. On Monday, CPC leaders fielded questions about whether they planned to continue pushing for legislation to put an end to ICE, CBS News reported. Democratic Rep. Mark Pocan of Wisconsin told reporters the idea was certainly still on the table, but that the caucus' main focus would be shifted to other issues. "We're absolutely still going to be pressing that," Pocan, the caucus co-chair, said during a press conference.

### **America's border wars: my week in a land of trauma**

[The Guardian](#) [11/19/2018 5:00 AM, Bryan Mealer, UK] reports as a war reporter, Bryan Mealer had witnessed people in physical trauma. In Texas, he met with lawyers, social workers and locals worn down by life in one of the world's most militarized corners: I've come to look for trauma in every place I go. This practice began years ago when, as a war correspondent in Congo, I encountered entire populations reeling from conflict and displacement – and it's continued ever since. Most recently, I spent several weeks in the Rio Grande Valley, driving across the border into Mexico. At migrant shelters and bus stations, I met families from Central America who fled from violence, survived the harrowing odyssey to America, only to be jailed and separated once here. But I also encountered trauma in people you might not suspect. I met lawyers experiencing secondary trauma – the compassion fatigue that comes from absorbing the suffering of others – after watching clients get deported back into harm's way. Immigration judges are also dealing with the same stress. And I spent time with local families – both documented and not – whose trauma has been triggered by raids, cartel violence, and the daily grind of poverty in one of the most militarized corners of the world.

Most young lawyers have trouble striking a work-life balance, says Jodi Goodwin, a veteran immigration lawyer in Harlingen. "They haven't developed coping mechanisms and skills for recognizing their own secondary trauma." Twelve years ago, Goodwin hit the wall so hard she woke up one morning and couldn't move. "I didn't get out of bed for two weeks," she says. "I had to call someone to come feed my kids." On the other side of the bench, immigration judges wrestle with their own secondary trauma. A 2008 study from the University of California at San Francisco found that judges have higher rates of "secondary trauma stress" than doctors or prison guards and suggested it could desensitize them to the plight of asylum seekers. The burnout, it says, "includes a decreased sense of personal and/or professional accomplishment, emotional exhaustion, and depersonalization, e.g. distancing oneself from the job, cynicism and loss of compassion, all of which could affect the outcome for applicants whose fates rest in judges' hands." "It compounds their political predisposition to deny," says Carlos Spector, a longtime attorney in El Paso. "I've had judges tell my clients, 'Stop it, I don't want any more tears in this court.' It's horrible." (Calls to the National Association of Immigration Judges went unanswered.)

### **[NY] Albany rally shows support for asylum seekers**

[WRGB](#) [11/16/2018 9:00 PM, Staff, NY] reports some Capital Region residents are standing with those seeking asylum in the United States. The support rally was held Friday at the Leo O'Brien Federal Building. CBS 6 is told it was organized in response to the Trump administration's policy on immigrants. Local groups like the Women Against War and Bethlehem Neighbors for Peace organized the event. They say their hope is that the United States will be more accepting of immigrants travelling north.

### **[NJ] Law Enforcement Officers in New Jersey Are Transferring More and More Immigrants to ICE**

[WNYC](#) [11/16/2018 4:00 AM, Matt Katz, 150K, NY] reports law enforcement agencies in New Jersey are turning over undocumented immigrants to federal authorities at a rate that is increasing under the Trump Administration and is higher than the national average, according to a new report from the progressive think tank New Jersey Policy Perspective. The report focuses on detainer requests that Immigration and Customs Enforcement makes to law enforcement agencies after local police arrest an undocumented immigrant. The ICE detainers are formal requests, made to officials at municipal police departments and county jails, to hold onto immigrants for 48 hours after they are due to be released on whatever local offenses they were initially arrested for. That gives ICE time to take them into custody. Local authorities are not required to honor ICE's requests, which skyrocketed 87.5 percent in New Jersey in 2017 compared to 2016. New Jersey authorities comply with 63 percent of the requests, compared to just 54 percent nationally, according to the report.

### **[NC] Alamance Sheriff won't rejoin 287(g), but could still hold ICE detainees**

[Burlington Times-News](#) [11/16/2018 11:18 PM, Isaac Groves, 11K, NC] reports Alamance County Sheriff Terry Johnson will not be entering an agreement with Immigration and Customs Enforcement to rejoin the 287(g) program, but will possibly go back to holding ICE detainees in the county jail. "The Sheriff has no intention of entering into an agreement for 287(g)," Kirk Puckett, public information officer for the Alamance County Sheriff's Office, wrote in an email to the Times-News. The sheriff is considering going back to housing ICE detainees in the county jail, which it did from 2007 until a federal lawsuit in 2012. "We have recently been in conversation with ICE renegotiating the rate we would be paid to house those individuals in our jail," Puckett wrote. The Sheriff's Office was among the first to join the federal program geared toward identifying undocumented immigrants entering the county jail, often leading to deportation, and housing inmates for ICE. There was also a local deputy trained to work with ICE on local immigration enforcement.

### **[NC] What does it mean to seek asylum? Local attorney explains**

[WNCT-TV](#) [11/18/2018 3:42 PM, Nicole Neuman, 29K, NC] reports Leah Arnold is an attorney in Greenville. She recently spent a week at the South Texas Family Residential Center in Dilley, Texas. It was part of the Dilley Pro Bono Project. But what exactly does it mean to seek asylum, and what does the process involve? "Asylum is something that has to be asked for when you're in the United States, or at a port of entry," said Arnold. "It's not something that people can apply for in their home country. By definition, asylum is for people who are afraid of going back to their countries. This journey to a border, this is a journey that under law is really the only way that they can seek this type of relief. A lot of people think that what they're doing by going to a border and seeking asylum is illegal, and asking for protection for themselves and their children is somehow wrong or illegal, but the right to seek asylum is in our law. It's in U.S. Law."

### **[MI] Kalamazoo County sheriff says ICE cooperation is necessary**

[Bay City Times](#) [11/16/2018 1:58 PM, Malachi Barrett, 531K, MI] reports Immigration and Customs Enforcement remains an important partner to remove dangerous people from the community, Kalamazoo County Sheriff Rick Fuller said. For the last year, Fuller has been working on a new written directive that will clarify how the county jail handles ICE requests to detain people up to 48 hours after they would otherwise be released. The so-called "ICE holds" have been criticized by immigrant rights organizations pressuring Fuller to publicize

the policy and end cooperation with the federal agency. "I'm asking for people to understand that this is not a community that has ICE running around knocking doors and trying to find people that are not in compliance with their immigration status," Fuller said.

**[TX] 'MS-13 is probably the most violent and uncaring bunch out there,' says Homeland Security**

[FOX San Antonio](#) [11/17/2018 12:04 AM, Yami Virgin, 7K, TX] reports the President has made claims that MS-13, a notorious gang from El Salvador, is the most violent gang in the world. One of the gang's main line of business, according to Homeland Security Investigations, is human trafficking. Vance Callender, from Homeland Security Investigations, says, "They do criminal acts and whatever they can to thrive and grow and recruit and move their business model, throughout Central America and into the United States." Callender says that while the gang is concentrated in California, New York, New Jersey, and Connecticut, to name a few states, HSI cases go all the way into the heartland – but what kind of crime do they commit? Callender says, "Every crime in the book, whatever's going to make them a profit ... rape, murder, extortion and drug smuggling, human smuggling, just about every international crime out there." Compared to the Bandidos, Mexican Mafia, Orejones, Callender says, "MS-13 is probably the most violent and un-caring bunch out there." [Editorial note: consult source link for video]

**[AZ] Phoenix Pastor opens church to host immigrant families released by ICE**

[ABC 15](#) [11/18/2018 10:11 PM, Mike Pelton, 144K, AZ] reports bottles of water, bags of clothes and foldout tables are set up and ready at a Phoenix church awaiting the next busload of asylum-seeking families released by ICE. Pastor Angel Campos at Monte Vista Cross-Cultural Church in Phoenix confirmed his church is one of the Valley locations temporarily housing families upon their release from ICE. "They leave their homes; they leave everything," Campos said. Back in October, ICE officials announced they were releasing an increased number of families, amid a surge of them showing up at the border and a limit to how long they can detain families. An unknown number of Valley churches are temporarily taking in the families upon their release from ICE as they work to connect with other relatives across the country. The families are equipped with ankle monitors and still have to go through the immigration court process.

**[WA] Hunger striker at Tacoma immigration jail carried out of cell, apparently unconscious**

[KUOW](#) [11/16/2018 5:55 PM, Amy Radil, 22K, WA] reports advocates for a hunger striker in immigration detention in Tacoma say they're worried about his medical condition. Federal officials confirm a detainee has been taken to the hospital, but aren't providing more details. Amar Mergensana has refused food for nearly three months. The asylum seeker from the Russian republic of Buryatia has been protesting his 11-month detention and possible deportation. According to Crosscut, ICE obtained a court order for involuntary hydration for Mergensana but it's not clear that it was used. Tanya Roman is the regional spokesperson for ICE. In a statement Friday she said, "An ICE detainee was transported to the hospital on the evening of Nov. 15. He is currently receiving medical treatment. The medical condition he is being treated for is not a result of a hunger strike. Due to privacy concerns, I am unable to comment further."

Reported similarly:

[Rewire](#) [11/18/2018 5:10 PM, Tina Vasquez]

[Crosscut Seattle](#) [11/16/2018 3:35 PM, Lilly Fowler, 15K, WA]

[KNKX](#) [11/16/2018 6:52 PM, Will James, 6K, WA]

**[WA] Seattle University suspends ICE partnership over 'unjust,' 'inhumane' treatment of immigrants**

[Washington Times](#) [11/16/2018 12:25 PM, Jessica Chasmar, 547K, DC] reports that Seattle University has suspended a law school externship program with Immigration and Customs Enforcement amid student pressure over the agency's treatment of immigrants under the Trump administration. Students began pressuring school officials to end their partnership with ICE after the agency participated in the school's externship fair last month, Campus Reform reported Thursday. Law student Alex Romero, who led the petition, argued that ICE's externship ran contrary to the university's mission to support undocumented students. School officials agreed, saying ICE's presence on campus made students feel "unsafe" and that the agency's externship would be suspended indefinitely.

**[OR] Anti-Trump mayor of Portland, Ore., mutters he 'can't wait' to leave office**

[FOX News](#) [11/18/2018 5:35 AM, Louis Casiano] reports that being mayor of Portland, Ore., may have gotten to Ted Wheeler. On Thursday, after finishing a speech at the Oregon Health Forum in which he was heckled, Wheeler mumbled, "I can't wait for the next 24 months to be over," indicating he may not seek re-election, the Oregonian reported. "If you know me, you know I mutter quite a bit," Wheeler said in a statement issued later in the day. "Not one of my most redeeming qualities. I will make a decision next year with my family if I am running for re-election." The comment came a day after the City Council rejected his proposal to expand his powers to regulate protests.

Last month, Wheeler faced harsh criticism from a union that represents personnel from U.S. Immigration and Customs Enforcement (ICE) regarding his handling of a 38-day protest in the city last summer by a group calling itself Occupy ICE. The National ICE Council sent letters to state Attorney General Ellen Rosenblum and U.S. Attorney General Jeff Sessions, asking them to look into whether Wheeler committed misconduct when he directed the city's police officers to not respond to certain calls for service during the protest in front of the local ICE field office, the Oregonian reported. In July, the city drew negative attention after the Occupy ICE protesters were forced to vacate their camp because they left piles of trash and debris behind. In August, Wheeler's handling of the Occupy ICE protests drew attention from President Trump. "Last month, the mayor of Portland, Oregon, shamefully ordered local police to stand down, leaving federal law enforcement officers to face an angry mob of violent people," Trump said during a speech honoring Border Patrol officers.

**[CA] California National Guardsman Arrested for Trafficking Illegal Aliens Across the Southern Border**

[Townhall](#) [11/17/2018 10:35 AM, Beth Baumann, 348K] reports that a California National Guardsman Reservist was arrested and charged with human trafficking for smuggling illegal aliens across the United States-Mexico border for financial gain. National Guardsman Private First Class Edward Jair Acosta-Avila was arrested on Nov. 10 when he was stopped by immigration and custom enforcement agents pulled him over just two miles north of the southern border in Otay Mesa, the Army Times reported. That's when agents discovered three illegal aliens hiding under a blanket in the back seat of Acosta-Avila's car. Acosta-Avila and the passenger, both U.S. citizens, were arrested and charged with human trafficking in federal court.



### **[Mexico] How Mexico's next president will defy Trump on immigration**

[SperoNews](#) [11/16/2018 8:44 AM, Luis Gomez Romero, 2K, TX] reports United States President Donald Trump has long blamed Mexico for the flow of Central Americans seeking to enter the United States' southern border. In 2014 President Enrique Pena Nieto implemented a robust deterrence effort, the Southern Border Program, to deter migration across Mexico's border with Guatemala. During the same period, U.S. border agents detained half as many Central American migrants at the border. Mexicans elect their next president – and 18,000 other elected officials, from mayors all the way up to senators – on Sunday, July 1. It is the biggest and most expensive election in Mexico's history. Trump's draconian new immigration policies, which include detaining children and criminally prosecuting migrants, have taken center stage in the presidential race. Mexico's four presidential candidates argue over many issues, from corruption to the economy. They all agree on this: Mexico can no longer maintain its policy of helping enforce U.S. immigration laws.

## **Legal News**

### **Judge approves settlement giving some migrant parents second chance at asylum**

[PBS](#) [11/16/2018 5:35 PM, Joshua Barajas] reports the San Diego federal judge overseeing family separation cases against the government has given final approval for a settlement agreement that aims to give certain migrant parents a second shot at asylum. According to court documents, the agreement focuses on a group of migrant parents who were interviewed about their asylum claims after being separated from their children, and subsequently had their claims denied. The agreement provides them another opportunity to pursue an asylum claim, though it's not immediately clear how many parents would be affected by the settlement. The settlement comes about six months after the Trump's administration's "zero tolerance" policy led to the separation of more than 2,600 migrant children from their parents at the southwest border. It's the latest development in the long series of court hearings about the long process of reuniting those separated children with their parents. U.S. District Judge Dana Sabraw called the settlement a "remarkable bit of work" at a court hearing Thursday, Politico reported.

Reported similarly: [KQED](#) [11/16/2018 11:49 AM, Julie Small, 149K]

### **Breaking Down ICE's Role in Asylum Cases**

[Arizona Public Media](#) [11/16/2018 7:04 PM, Staff, 4K, AZ] reports that the Department of Homeland Security manages the country's immigration system. Once Border Patrol processes individuals, they usually transition into the custody of Immigration and Customs Enforcement. ICE Field Director Henry Lucero oversees enforcement and removal proceedings in Arizona. He discussed how the agency determines where to send people and how court rulings like the Flores Settlement pose challenges. [Editorial note: consult source link for video]

### **Across U.S., tax dollars being poured into 'legal defense fund for illegals'**

[FOX News](#) [11/16/2018 12:30 PM, Louis Casiano] reports in defiance of President Trump's hardline stands on immigration, more jurisdictions are going beyond "sanctuary city" policies and actively using taxpayer dollars to pay for legal representation for immigrants facing deportation. This week Denver officials announced plans to set aside \$385,000 to expand

an immigrant legal defense program, Mayor Michael Hancock said. "There is no greater responsibility that I have as mayor than to keep all residents of Denver, undocumented or not, safe and secure and when we have challenging language that comes out of Washington that threatens that very covenant that we have with all of our residents it makes it doubly difficult for us to help people feel safe in their city," he said. Others committing to designating public dollars for attorneys in immigration courts include lawmakers in Los Angeles, Seattle, Washington, D.C.; New York; Austin, Texas; Atlanta, San Francisco and Portland, Ore.

Reported similarly: [The Daily Caller](#) [11/16/2018 10:25 AM, David Krayden, 909K, DC]

### **App uses cryptocurrency to help detainees pay ICE bail money**

[The Hill](#) [11/16/2018 4:11 PM, Ali Breland, 2630K] reports a new app mines cryptocurrency and uses the funds garnered to help pay bail for individuals detained by Immigration and Customs Enforcement. The app, called Bail Bloc, lets users donate their computer memory towards mining the cryptocurrency Monero, and then donates the mined assets to the Immigration Bail Fund, a non-profit which contributes money towards bond for people being held by ICE in Connecticut. The app was originally launched in 2017, but only helped contribute money toward the bond of people being detained in the Queens and Bronx boroughs of New York City, via the Bronx Freedom Fund. Dark Inquiry is associated with very different parts of the tech community than Silicon Valley, but their relaunch of Bail Bloc comes as other tech companies also push back on ICE and the administration's immigration policies. Workers at companies including Salesforce, Microsoft and Amazon called on company leadership to cut ties with ICE and Customs and Border Protection to protest the administration's family separation policy at the border.

Reported similarly: [Futurism](#) [11/16/2018 3:31 PM, Dan Robitzski]

### **[VT] Immigrant Advocates Sue U.S. Government Over 'Surveillance,' Arrests**

[VOA News](#) [11/16/2018 4:57 PM, Victoria Macchi, 1028K] reports an immigrant advocacy group is suing the U.S. government over what it claims are years of surveillance and harassment in retaliation for the organization's pro-immigrant activism. The lawsuit, filed Nov. 14 by Vermont-based Migrant Justice, alleges that U.S. Immigration and Customs Enforcement (ICE) "targeted, surveilled, and spread disinformation" about the group and arrested at least 20 of its members. "In the course of its advocacy, Migrant Justice has loudly and publicly criticized U.S. Immigration and Customs Enforcement. ICE has retaliated, and continues to retaliate, by disrupting Plaintiffs' advocacy and infringing upon their First Amendment rights," the plaintiffs allege in the lawsuit. ICE responded to VOA in a statement Friday, saying, "In keeping with ICE agency policy that we do not offer comment on pending litigation, we are going to decline to comment on this legal action." The agency referred VOA to statement made by ICE Acting Deputy Director Matthew Albence in a March 2018 interview with National Public Radio: "U.S. Immigration and Customs Enforcement does not target unlawfully present aliens for arrest based on advocacy positions they hold or in retaliation for critical comments they make. Any suggestion to the contrary is irresponsible, speculative and inaccurate ... ICE focuses its enforcement resources on individuals who pose a threat to national security, public safety and border security." While the lawsuit is new, the public allegations by Migrant Justice are not. It, along with the ACLU, has raised the issue that ICE is targeting activists before, and filed a lawsuit in 2017, accusing ICE and U.S. Customs and Border Protection of targeting the

organization's activists. That case remains open. Albence, executive associate director for ICE Enforcement and Removal Operations, is named as a defendant in the lawsuit, as are U.S. Department of Homeland Security Secretary Kirstjen Nielsen, ICE Acting Director Ronald Vitiello, and Wanda Minoli, commissioner of the Vermont Department of Motor Vehicles.

**[NH] Judge frees Somali immigrant who was detained 9 months**

[Washington Post](#) [11/17/2018 3:57 PM, Associated Press] reports that a federal judge has freed a Somali immigrant who was held for nine months in a New Hampshire jail without a hearing. The American Civil Liberties Union of New Hampshire contends Immigration and Customs Enforcement unlawfully detained 45-year-old Abdigani Faisal Hussein, of Portland, Maine, who was released from the Strafford County Jail on Thursday. Hussein entered the country lawfully in 1996 as a Somali refugee and became a permanent resident a year later. He is a tractor-trailer driver in Portland, which has a vibrant Somali community. ICE detained him in March because he was convicted in 2002 and sentenced to probation for possessing khat, a leafy stimulant grown in East Africa that's illegal in the U.S. He ended up in the Dover correctional facility, one of six places in New England for ICE detainees. The ACLU's Immigrants' Rights Project in New Hampshire brought the lawsuit last month that led to Hussein's being reunited with his family. There are others in Hussein's situation, and a similar case is being decided by the U.S. Supreme Court, his attorneys have said.

The [Concord Monitor](#) [11/16/2018 5:58 PM, Alyssa Dandrea, 17K, NH] reports the New Hampshire ACLU is now accusing Northwood police of making an illegal immigration stop based on racial profiling. The federal lawsuit, filed Wednesday against the Northwood Police Department, is the third of its kind for the New Hampshire ACLU's Immigrants' Rights Project. The ACLU brought the case nearly two months after police arrested and held Johoani Velasco Perea, a Deferred Action for Childhood Arrivals recipient whom they believed was undocumented.

Reported similarly:

[WMUR New Hampshire](#) [11/16/2018 11:32 PM, Jean Mackin, 91K, NH]

[NHPR](#) [11/16/2018 11:32 PM, Jean Mackin, NH]

[Union Leader](#) [11/17/2018 4:35 PM, Kevin Landrigan, NH]

**[MA] ACLU Sues Boston Police Department for Access to Gang Database**

[Police Magazine](#) [11/16/2018 3:33 PM, Staff, 17K] reports the ACLU of Massachusetts has filed suit against Boston Police Department in an effort gains access to the agency's gang database, according to WBUR Radio. The ACLU and other groups seeking access to the database say that they want to know the demographic background of people in the system—such as race, age, local ZIP code, and nationality. The civil rights group says allegations of gang involvement are being used against Central American youth in immigration court. The gang database is maintained by the Boston Regional Intelligence Center. It's a data analysis unit at the police department accessible to state and federal law enforcement agencies, including U.S. Immigration and Customs Enforcement.

**[NY] Court rules NYPD cannot help ICE arrest immigrants**

[Brooklyn Daily Eagle](#) [11/16/2018 11:11 AM, Christina Carrega, 10K, NY] reports a higher court unanimously ruled on Wednesday that NYPD officers and other state law enforcement officials are not allowed to assist with arresting undocumented immigrants on behalf of

federal investigators. The decision, written by the Second Department Appellate Division's Judge Alan D. Scheinkman, was based on the June 2017 arrest of Susai Francis in Nassau County, Long Island, for driving under the influence and driving an uninsured vehicle. Upon his arrest, Francis was fingerprinted by police. His prints were submitted to a federal national database that revealed he was a citizen from India, who had remained in the country on an expired B2 visitor visa since 1996. Subsequently, an ICE deportation officer issued a detainer and arrest warrant for Francis. As of January 2018, Francis, 56, is still in ICE custody at the Bergen County Jail in Hackensack, New Jersey, pending removal proceedings in Immigration Court, according to the decision, and the ACLU reports that Francis still remains in custody.

**[NY] Immigration judge denies appeal of longtime Mount Kisco synagogue custodian: Rabbi**

[Rockland/Westchester Journal News](#) [11/16/2018 6:30 PM, Michael P. McKinney, NY] reports an immigration judge has denied the appeal of a longtime Bet Torah synagogue custodian who wants to seek asylum in the U.S., the synagogue's rabbi said Friday. Armando Rojas had been a Bet Torah synagogue custodian for two decades and his case has drawn support from synagogue members, including several who attended Thursday's appeal hearing at immigration court in Batavia in Western New York. But Judge Philip Montante Jr.'s decision affirms an asylum officer's decision, according to Rabbi Aaron Brusso. Details of the decision were not immediately available and Rojas' lawyer, Gadi Zohar, could not be reached for comment. At issue was showing that Rojas has a credible fear of persecution if he is deported to Mexico. Zohar said Thursday that the asylum officer who interviewed Rojas believed he was credible and that he had a fear of going there, but the officer could not connect Rojas to a "protected group" under U.S. law that qualifies someone to seek asylum. Had the judge overturned the asylum officer, Rojas could then have taken his underlying argument for asylum in the U.S. to immigration court.

Reported similarly: [News 12 Hudson Valley](#) [11/18/2018 4:35 PM, Staff, 6K, NY]

**[NY] NY Says Funding Ban For Sanctuary Locales Unconstitutional**

[Law 360](#) [11/16/2018 11:37 PM, Stewart Bishop] reports the state of New York, along with several other jurisdictions, pressed a Manhattan federal judge Friday to issue a nationwide injunction blocking the Trump administration from cutting off law enforcement funding for so-called sanctuary jurisdictions, arguing new conditions for the funds are unlawful and unconstitutional. New York, Massachusetts, Connecticut, New Jersey, Washington, Rhode Island, Virginia and New York City are challenging new requirements for receiving Edward Byrne Memorial Justice Assistance Grant funds — the top source of federal justice funding for state and local jurisdictions. Those requirements are the result of President Donald Trump's January 2017 executive order, which sought to restrict sanctuary jurisdictions from receiving federal grants. The conditions introduced last year by the U.S. Department of Justice require that cities and states receiving the Byrne JAG funds include directives to allow the U.S. Department of Homeland Security — which includes the U.S. Immigration and Customs Enforcement — access to jails and other law enforcement facilities, and to notify the federal government 48 hours before someone suspected of immigration violations is scheduled to be released from jail.

**[NJ] State Division of Consumer Affairs investigates 28 immigrant service businesses for fraud**

[Fios1 News](#) [11/16/2018 9:00 PM, Staff, NJ] reports the State Division of Consumer Affairs is investigating 28 different immigration service businesses across New Jersey. The state of New Jersey said these businesses have been providing legal services to immigrants without the legal credentials. In some cases, cheating immigrants by asking for thousands of dollars in fees. The fraud is called "notario fraud," where a notary public, or someone who witnesses the signing of documents, take advantage of Spanish speaking consumers. The state is seeking \$326,000 in civil penalties because of the violations it uncovered as a result of the undercover operation.

**[VA] Federal Court Denies Motion to Dismiss Lawsuit on Behalf of Immigrants**

[WVIR-TV](#) [11/16/2018 9:39 PM, Chris Markham, 21K, VA] reports the Legal Aid Justice Center scored a victory as a federal court tossed out a motion this week to dismiss a case on behalf of detained immigrant children and their families. The federal lawsuit challenges a recent government policy that shares sponsor and household information with Immigration and Customs Enforcement. The LAJC says the policy has resulted in arrests of family members of those children. The suit stems from the experience of four children in Virginia who were held for months and used as what the LAJC calls bait. In Thursday's ruling, the federal judge says the court should hear this evidence to determine if constitutional rights and federal policy were violated.

**[TX] Labor lawsuit says trailer company targeted in massive ICE raid stiffed workers on overtime**

[Dallas Morning News](#) [11/17/2018 7:15 AM, Kevin Krause, 661K, TX] reports a vehicle trailer manufacturer that was the target of a recent immigration raid is being sued by dozens of current and former employees in federal court for allegedly failing to pay them required overtime wages. Jacinto Ramirez was the lead plaintiff against Load Trail when the lawsuit was first filed in October. Since then, more than three-dozen others have joined the suit, including welders, material transporters and warehouse workers, according to the lawsuit. Allen R. Vaught, attorney for the workers, said he will seek class-action status and that additional current and former employees may opt to join the suit. Immigration agents armed with search warrants raided Load Trail in August and detained more than 150 workers suspected of being in the country without authorization. ICE said it was the nation's largest single-site enforcement operation in a decade. The company, which makes trailers that hitch onto the back of vehicles, is located in Sumner, about 100 miles northeast of Dallas. The raid was part of a criminal investigation into Load Trail for alleged illegal employment of foreign workers. The investigation continues.

**[CA] ICE Detainee's Wedding Case Tossed For Lack Of Response**

[Law360](#) [11/16/2018 6:45 PM, Tiffany Hu] reports a California federal judge has tossed a suit accusing of violating immigration laws and the U.S. Constitution by standing in the way of a marriage between a detained Mexican man and his longtime girlfriend. U.S. District Judge Dean D. Pregerson dismissed the case against ICE on Thursday after Rodrigo Ivan Munoz Varela failed to respond to the court's order by Oct. 3 to explain why the suit should not be dismissed for lack of prosecution. Munoz Varela had sued the agency in June for barring him from marrying Maira Cervantez as part of its supposed policy of not allowing detainees to get married at the Adelanto Detention Facility in Southern California. After initially denying Munoz Varela's request to pause the deportation proceedings against him to allow the marriage, the judge again in July denied his renewed bid for a temporary restraining order, saying that he had "advanced little legal authority" for his request and



failed to show how he would be immediately and irreparably harmed without a TRO. The judge's order Thursday dismissed the case without prejudice, meaning Munoz Varela can later refile the allegations. According to the complaint, the federal government was trying to get in the way of Munoz Varela's efforts to qualify for cancellation of removal under the Immigration and Naturalization Act, punishing him for having entered the U.S. without authorization by obstructing his chances to obtain the relief. The complaint does not specify the citizenship of the girlfriend. Attorneys representing the government have purportedly stated during immigration court proceedings that ICE has a policy of not allowing detainees to get married at the centers where they are detained, Munoz Varela claimed, and the immigration judge presiding over his case had said that she lacks the legal authority to compel the agency to allow the marriage to occur.

## **Enforcement News**

### **Why some immigrants spend many years in detention**

[Worcester Telegram](#) [11/17/2018 4:57 PM, Staff, MA] reports that in 2003, Kenyan immigrant Sylvester Owino was convicted of second-degree robbery in San Diego. He finished a more than two-year prison sentence and was transferred to the Otay Mesa Detention Center as Immigration and Customs Enforcement began removal proceedings against him. Owino applied for asylum but almost 10 years went by before he was released from immigration detention in 2015. The long years in detention for Owino might seem the simple byproduct of his criminal record — were it not for cases like those of two Rwandan men being held 2,500 miles away in Virginia. The men have been at the Farmville Detention Center since February 2007 — longer than any other immigrants in the U.S. But no crimes blot their history in the U.S. Two dozen other detainees in California alone have spent more than three years in ICE custody, according to data obtained through a public records request by the Transactional Records Access Clearinghouse of Syracuse University and released last month. Most of them, like Owino, have already served time for criminal convictions.

The longest detained immigrant in the state is a Mexican man whose most serious criminal conviction is drug possession. The man has been at the Imperial Regional Detention Facility in Calexico, Calif., since December 2012. According to TRAC data, ICE classified the conviction as a "Level 3," which is the agency's lowest seriousness level and includes misdemeanor offenses and other minor violations of the law. An ICE spokeswoman said she could not provide other specifics about any case without a date of birth or "alien number," which is used to track detainees. ICE spokeswoman Lori Haley said no category of immigrants is exempt from enforcement. She said ICE also analyzed its detainee population in June and found that 54 percent of detainees had a criminal conviction. Nationally and in California, the majority of the more than 44,000 detained immigrants have no criminal convictions, according to TRAC data. Among those with criminal histories, the most common convictions include illegal entry, DUI and assault, or pending charges, and that 70 percent were subject to mandatory detention. "These figures reflect appropriate allocation of limited resources," she said.

### **Some 7-Eleven Franchisees Say Corporation Is Referring Critics To ICE**

[WBUR](#) [11/16/2018 11:23 AM, Staff, 208K, MA] reports some franchisees of the convenience store chain 7-Eleven say they believe the corporation is referring critics of its

corporate policy to federal immigration authorities. 7-Eleven denies the claims. [Editorial note: consult source link for audio]

**Protesters heading home after journey to detention center housing juvenile migrants**

[Michigan Public Radio](#) [11/16/2018 9:39 AM, Tracy Samilton, 24K, MI] reports people from Michigan and a dozen other states are returning home Friday after traveling hundreds of miles to protest the Tornillo detention center in Texas. That's where the federal government is holding hundreds of juvenile immigrants. The group's leaders hope the protest sparks a national campaign to shut down Tornillo. That's even as the Trump administration plans to dramatically expand it. Many of the kids are imprisoned at Tornillo for months longer than the 20 days the law says they can be held. That's in large part because Immigration and Customs Enforcement deported some people who tried to pick up a relative. [Editorial note: consult source link for audio]

**Warren, 2020 Dems target private immigration detention center operators**

[The Hill](#) [11/16/2018 11:57 AM, Rafael Bernal, 2630K] reports a group of Democratic senators led by Sen. Elizabeth Warren sent out letters Friday to three private immigration detention center contractors, demanding information on their allegedly poor conditions. The Democrats wrote that it is "unclear" whether CoreCivic, The GEO Group and The Nakamoto Group are each "serving as a responsible steward of taxpayer dollars." CoreCivic and GEO operate detention facilities, Nakamoto has a federal contract to inspect conditions in detention facilities. The senators pointed to a September report by the Department of Homeland Security Office of Inspector General that painted a stark picture of conditions in several ICE detention facilities. Facilities were found to have old and moldy food, to lack adequate medical treatment and to present significant delays in getting detainees basic hygiene products, such as toilet paper.

Reported similarly:

[Roll Call](#) [11/16/2018 11:00 AM, Niels Lesniewski, 110K]

[MassLive](#) [11/16/2018 11:18 AM, Shannon Young, 167K, MA]

**[MA] Undocumented immigrant accused of attacking shipmates with knife, hammer on fishing boat off the coast of Massachusetts**

[New York Daily News](#) [11/16/2018 4:35 PM, Danielle Cinone, NY] reports an undocumented immigrant was charged with murder after attacking crew members on a fishing boat off the coast of Massachusetts. Franklin Freddy Meave Vazquez, 27, was indicted Thursday on single counts of second degree murder, attempted murder, and assault with a dangerous weapon, according to the U.S. Attorney's Office for the District of Massachusetts. Vasquez, a Mexican national, allegedly wielded a knife and hammer as he attacked crew members on the fishing vessel Captain Billy Haver on Sept. 23. Vasquez was previously arrested in Newport News, Va., for "abduction by force, intimidation, or deception" on March 9 — but was released on bond. If convicted of second degree murder, Vazquez could spend the rest of his life in prison. He will be subject to deportation proceedings once his sentence is decided.

**[NJ] NJ Dads Arrested By ICE After School-Drop Off Out Of Detention**

[Edison-Metuchen Patch](#) [11/16/2018 9:23 AM, Katie Kausch, NJ] reports after nearly ten months in detention following a controversial ICE arrest, Roby Sanger of Metuchen and Gunawan Liem of Franklin Park have been released on bail. An Immigration and Customs

Enforcement official confirmed to Patch that the men, both ethnic Chinese Christians and Indonesian nationals, were released Thursday night. "ICE released Gunawan Liem and Roby Sanger, both Indonesian nationals illegally present in the U.S., from custody after they posted bond granted to them by an immigration judge," ICE ERO Newark told Patch Friday morning. A New Jersey judge halted the deportation of Sanger and Liem in early February after ACLU-NJ sued on their behalf. That order did not guarantee their release from detention, however, and they spent another nine months in an Elizabeth jail waiting for the government to release them. Both could still eventually be deported.

**[TN] Memphis reporter wins temporary stay of deportation**

[WREG](#) [11/16/2018 7:39 AM, Staff, 43K, TN] reports an appeals court has granted a two-week reprieve for a Spanish-language reporter facing deportation after he was arrested while covering an immigration rally in Tennessee. A three-judge panel of the 11th U.S. Circuit Court of Appeals on Thursday barred the U.S. government from removing Manuel Duran to El Salvador before Nov. 30. Judges are considering a motion to keep Duran in the country as they mull whether to reopen his case. When Duran was arrested in Memphis in April, he still had a pending deportation order from 2007. He entered the country illegally in 2006 and was told to appear in court the following year. When he didn't, that deportation order was issued. His lawyers have said that he did not receive notice to report to court before the deportation order was issued. Charges related to the protest were dropped but he was handed over to immigration officials and detained.

[Rewire](#) [11/16/2018 12:30 PM, Laura Hoss] reports journalist Manuel Duran went to do his job one day in April. More than 200 days later, he remains in the custody of U.S. Immigration and Customs Enforcement (ICE) at LaSalle Detention Center in Louisiana. On Thursday, Duran and his attorneys from the Southern Poverty Law Center (SPLC) got a small piece of good news. Embroiled in a legal process to challenge his imminent deportation, Duran was granted by the 11th Circuit Court of Appeals at least two more weeks — a stay of deportation while a legal motion is considered. Originally from El Salvador, Duran came to the United States in 2006 after experiencing threats to his life for his journalism. Before starting Memphis Noticias, Duran worked in radio at La Voz and Radio Ambiente. Duran's immigration status hinges on an in absentia order of removal that was filed in immigration court in early 2007. His attorneys claim that Duran was never notified at the time of this hearing. SPLC has been fighting his case in federal and immigration courts. At the federal level they are seeking his release from detention. In a petition filed on April 13, his attorneys argued that Duran's "current detention is a direct result of his unlawful arrest and detention in violation of the First, Fourth, Fifth, and Fourteenth Amendments." In immigration court, their goal is to have his case reopened so he can seek asylum based on claims that his life is at risk in El Salvador.

**[AR] WATCH: Dashcam Video Shows Illegal Immigrant Opening Fire on Police Officer**

[Townhall](#) [11/16/2018 8:43 AM, Leah Barkoukis, 348K] reports dashcam footage of an intense shootout between an illegal immigrant and an Arkansas police officer over the weekend has been released. According to a press release from the Washington County Sheriff's Office, the incident began when Washington County Corporal Brett Thompson tried to pull over a vehicle due to a traffic violation but the driver would not slow down. Corporal Thompson could see the driver moving around in the seat, and could see there was a passenger with him as well. The driver of the vehicle eventually stopped on Steele Road. When Corporal Thompson exited his vehicle, the driver immediately opened his car door

and began shooting at Corporal Thompson. Corporal Thompson returned fire and numerous rounds were exchanged before the suspect jumped back into his vehicle and took off, eastbound on Steele Road. He traveled a short distance, stopped and let a female passenger out of the vehicle, then took off again. The suspect traveled back into Springdale, where he was eventually stopped at Don Tyson and S. Thompson and arrested by Springdale Police Officers. [Editorial note: consult source link for video]

Reported similarly:

[The Daily Caller](#) [11/16/2018 12:01 PM, Nick Givas, 909K, DC]

[Spero News](#) [11/16/2018 11:36 AM, Martin Barilla, 2K, TX]

**[IN] Police: Undocumented immigrant in South Bend arrested on suspicion he was dealing cocaine**

[NWI Times](#) [11/16/2018 5:30 PM, Lauren Cross, 83K, IN] reports that an accused cocaine dealer who is also believed to be living in the United States without legal permission was arrested this week following an investigation by the county's Drug Task Force. Luis F. Sosa-Ortega, 24, was arrested Thursday during a traffic stop near Ind. 2 and County Road 600 East on a charge of dealing in cocaine, a level 2 felony, according to a LaPorte County Drug Task Force news release. Because it was found Sosa-Ortega was in the country illegally, police said, U.S. Immigration and Customs Enforcement, or ICE, was contacted and an immigration detainer hold was placed on Sosa-Ortega.

Reported similarly:

[WNDU](#) [11/16/2018 5:29 PM, Staff, 63K, IN]

[Michigan City News-Dispatch](#) [11/17/2018 2:20 PM, Staff, 6K, IN]

[WIMS Radio](#) [11/16/2018 11:04 PM, Staff, 1K, IN]

**[IN] Two teens arrested for armed robbery**

[Elkhart Truth](#) [11/17/2018 6:00 AM, Jordan Fouts, 10K, IN] reports that two teenagers have been arrested for allegedly displaying a handgun during a face-to-face purchase arranged online. Erick Montes, 19, and Dayaavon Johnson, 16, were arrested Wednesday and charged with armed robbery, a Level 3 felony. Montes is being held on \$75,000 bond and by an immigration detainer placed by Immigration and Customs Enforcement.

**[IN] Feds Seek Prison Time for Previously Deported Child Rapist**

[Breitbart](#) [11/18/2018 9:00 PM, Bob Price] reports federal prosecutors seek prison time for an Ecuadorian man who immigration officers previously deported following a child sexual assault conviction. The man received a conviction from a Chicago court in 2002 for assaulting a 14-year-old girl. Immigration officers deported him to Ecuador in 2004. Prosecutors charged Christian Manuel Yupa Yupa, 42, with illegal re-entry after removal as a convicted sex offender, the Northwest Indiana Times reported. Immigration officers arrested him in April at a job site in Lake County, Indiana, prosecutors stated in court documents. Prosecutors are seeking an 18-month prison sentence for the illegal re-entry after removal charge. Defense attorneys are asking the judge to sentence him to time served and refer his case to an immigration judge to consider the asylum request.

**[WI] Previously Deported Migrant Faces Drug Trafficking, Prostitution, Firearms Charges**

[Breitbart](#) [11/16/2018 4:50 PM, Robert Arce, 2405K] reports federal prosecutors in Wisconsin are accusing a Mexican national of allegedly re-entering the United States and getting caught with weapons and drugs in amounts suggesting distribution purposes. Jose Facio-Santos, 39, was indicted Friday for a variety of alleged federal violations ranging from illegal re-entry to felony drug possession. The nine-count indictment includes illegal re-entry as a previously deported alien, three counts for unlawful possession of firearms, three counts for drug distribution, and two counts for aiding the transit of women across state lines for prostitution purposes. The DOJ notes the indictment was brought forward due to a collaborated effort between the Milwaukee Police Department, the United States Immigration and Customs Enforcement - Homeland Security Investigations, the Drug Enforcement Administration, the Federal Bureau of Investigation, and the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Reported similarly: [Imperial Valley News](#) [11/18/2018 10:19 PM, Staff, 2K, CA]

**[IA] Honduran illegal caught drunk in Iowa sentenced to prison for reentering the United States**

[North Iowa News](#) [11/16/2018 11:10 AM, Staff, 2K, IA] reports that a man entered the United States illegally from Honduras was sentenced on November 13, 2018, to three months' in prison. Denis Orlando Orellana-Martinez, age 32, from Honduras, received the sentence after a September 18, 2018, guilty plea to one count of illegal re-entry. At the guilty plea, Orellana-Martinez admitted he had illegally entered the United States from Honduras in 2012, after previously being deported. On August 23, 2018, Orellana-Martinez was arrested for public intoxication in Sioux County, Iowa. Orellana-Martinez was sentenced in Sioux City by United States District Court Judge Leonard T. Strand. Orellana-Martinez was sentenced to three months' imprisonment. He must also serve a 1-year term of supervised release after the prison term. Orellana-Martinez is being held in the United States Marshal's custody until he can be transported to a federal prison. The case was prosecuted by Assistant United States Attorney Kevin C. Fletcher and investigated by Enforcement and Removal Office of Immigration and Customs Enforcement.

**[IA] Illegal alien from Guatemala sent to prison for illegally reentering U.S.; caught drunk driving twice**

[North Iowa News](#) [11/17/2018 2:49 PM, Staff, 2K, IA] reports that a man who entered the United States illegally from Guatemala was sentenced on November 13, 2018, to 10 months' in prison. Elmer Martinez-Niz, age 24, from Guatemala, received the sentence after a September 17, 2018, guilty plea to one count of illegal re-entry. At the guilty plea, Martinez-Niz admitted he had illegally entered the United States from Guatemala in 2012, after previously being deported from the U.S. On February 15, 2017, Martinez-Niz was arrested in Osceola County for possession of controlled substance, and possession of drug paraphernalia. He also has subsequent arrests in Osceola County for OWI 2nd and driving without a license. The case was prosecuted by Assistant United States Attorney Kevin C. Fletcher and investigated by Enforcement and Removal Office of Immigration and Customs Enforcement.

**[TX] T. Don Hutto inmate transferred after visit from Taylor city councilman**

[Taylor Daily Press](#) [11/17/2018 11:16 AM, Richard Stone, 1K, TX] reports a Salvadoran woman, who was separated from her 5-year old daughter by Immigration and Customs Enforcement authorities and had been held at the T. Don Hutto Residential Center in



Taylor, has been transferred to another holding center. The move came after a member of the Taylor city council visited Griselda Cruz Lopez this week, and another member, Mayor Brandt Rydell, sought permission for a tour. Lopez is only one of more than 500 women being detained in Taylor. Rydell said he contacted the center Thursday to arrange a tour. He said he didn't know if his request prompted the transfer, but called the timing "curious."

**[OR] Oregon jail makes room for immigrant detainees**

[Vancouver Columbian](#) [11/17/2018 8:22 PM, Conrad Wilson, 37K, WA] reports a regional jail in The Dalles, Ore., that houses detainees for U.S. Immigration and Customs Enforcement has suggested local sheriffs keep their "numbers low" in the jail to make room for immigrant detainees. The Northern Oregon Regional Corrections Facility – or NORCOR – has housed immigration detainees since 1999, when the facility first opened. Critics of that process say it violates Oregon's sanctuary law and have sued the jail. Documents included in that lawsuit give potential insight into how NORCOR allocates space for ICE detainees. When asked what the policy is, former jail administrator Bryan Brandenburg said there isn't a written policy, rather it's the jail's practice to not "kick people out in order to make room for ICE."

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Tuesday, Nov. 20, 2018**

## **Executive Office for Immigration Review**

In blow to Trump's immigration agenda,  
federal judge blocks asylum ban for  
migrants who enter illegally from Mexico  
..... 2

U.S. Slashes Migrant Border Crossings  
..... 3

## **Policy and Legislative News**

U.S. closes busiest Mexico border  
crossing for several hours ..... 4

Migrants fearful, anxious in aftermath of  
Tijuana protests ..... 5

U.S. adds more barriers, razor wire at  
Mexico border amid fears of a crowd  
surge ..... 5

Trump tweets photo of wire fence at  
U.S. border: 'No climbers anymore  
under our Administration!' ..... 6

Trump likely to give U.S. troops  
authority to protect immigration agents 6

Migrant caravan at U.S. border is  
harboring more than 500 criminals,  
Homeland Security claims..... 7

This is what Trump should do about the  
migrant caravan ..... 7

The Feds Have A Constitutional Duty  
To Stop The Caravan At The Border.....7

It's Time to Enlist State and Local Police  
in Response to the Caravan.....8

Retired colonels tear into Trump over  
sending troops to border: 'A profound  
betrayal of our military' .....8

Most Americans have common ground  
on immigration. Congress should listen  
to them. .... 9

Americans divided on whether  
immigrant caravan is threat to USA .....9

A commonsense answer to the  
immigration problem ..... 10

What Congress Can Do Now to Fix  
Immigration Enforcement..... 10

Government could hold migrant families  
indefinitely in unlicensed detention  
centers under new plan ..... 11

The Trump Administration Just Made It  
Easier to Deport Survivors of Human  
Trafficking and Domestic Abuse ..... 11

Vitiello Tells Senate Defending ICE  
Mission, Existence Would be Priority if  
Confirmed..... 12

[VT] ICE protesters who blocked road  
seek OK to use necessity defense ..... 13

[MA] Springfield Council approves 'welcoming city' ordinance, protects undocumented immigrants.....	13
[NJ] Report: New Jersey Jail Refused 92 Detainer Requests for Criminal Illegal Aliens.....	13
[PA] Why Philadelphia hosted anti-deportation training for Latino workers	13
[TX] Harris County Ranks Third In "Secure Communities" Deportations...	14
[TX] "We had to leave Venezuela," says asylum seeker waiting at Texas border .....	14
[CA] San Diego human rights coalition launches crowdfunding campaign for asylum-seekers.....	14
[CA] San Diego Agencies Organize Shelter for Refugees 'Abandoned on Streets'.....	15

## Legal News

[ME] Pakistani man whose country won't let him back home sentenced to 8 months in prison .....	15
[NY] Troy mother facing deportation gets immigration case dismissed .....	15
[NJ] Murphy says NJ finalizes \$2.1M in aid for immigrants.....	16
[FL] Cocaine Cowboy deported to Dominican Republic after his bid to stay in U.S. fails .....	16
[MN] High Court Won't Hear Immigrant's Domestic Violence Case.....	16
[CO] Vail Valley immigration attorneys regularly deal with visa expiration cases .....	17

[AZ] Catholic Charities attorneys get a close-up view of desperation at the border .....	17
[CA] Lawsuit claims Riverside County Sheriff's deputy used excessive force, violated flower vendor's civil rights .....	17

## Enforcement News

Fourth arrest in case of illegal immigrant who ICE says killed 3 after 'sanctuary' release .....	18
[PA] Taiwanese Exchange Student Who Threatened To 'Shoot Up' High School To Be Deported.....	18
[PA] Clergy to show support for families living in sanctuary in Philadelphia churches .....	18
[AR] Illegal immigrant in viral police shootout in U.S. under DACA, ICE says .....	19
[MO] Police: Springfield woman charged with murder after buying bullets used in double-homicide.....	19
[TX] Child Rapist, Gang Members Arrested by Texas Border Patrol Agents .....	19
[TX] Six Illegal Immigrants from Bangladesh Apprehended at Texas-Mexico Border.....	20
[TX] Illegal immigrant, 18, who was deported two years ago, 'shot and killed a Texas convenience store clerk, 48, in an armed robbery' .....	20
[CA] Four suspected undocumented immigrants detained after swimming ashore in Imperial Beach.....	20

## Executive Office for Immigration Review

### In blow to Trump's immigration agenda, federal judge blocks asylum ban for migrants who enter illegally from Mexico

[Washington Post](#) [11/20/2018 3:19 AM, Isaac Stanley-Becker and Maria Sacchetti, 11653K] reports a federal judge temporarily blocked the Trump administration from denying asylum to migrants who illegally cross the southern border into the United States, saying the policy

likely violated federal law on asylum eligibility. In a ruling late Monday, Jon S. Tigar of the U.S. District Court in San Francisco issued a temporary nationwide restraining order barring enforcement of the policy. The president's action, now blocked, was announced on Nov. 9, though the White House had as early as last month floated drastic changes to the way the U.S. affords sanctuary to people feeling persecution in their home countries. The judge's order remains in effect until Dec. 19, at which point the court will consider arguments for a permanent order. In his proclamation, Trump said the changes were necessary to prepare for the caravan's arrival, arguing that asylum seekers had no "lawful basis for admission into our country." In justifying the policy, the administration relied on the same emergency authority invoked as grounds for the "travel ban." In a hearing Monday, Scott Stewart, a lawyer for the Justice Department, spoke of a "crushing strain" of migrants attempting to cross the border illegally. He alleged that most asylum claims were "ultimately meritless."

The [New York Times](#) [11/20/2018 3:00 AM, Miriam Jordan, 22322K] reports that the order, which suspends the rule until the case is decided by the court, applies nationally. Advocacy groups, including the Southern Poverty Law Center and the American Civil Liberties Union, swiftly sued the administration for effectively introducing what they deemed an asylum ban. The advocacy groups accused the government of "violating Congress's clear command that manner of entry cannot constitute a categorical asylum bar" in their complaint. They also said the administration had violated federal guidelines by not allowing public comment on the rule. Trump administration officials defended the regulatory change, arguing that the president was responding to a surge in migrants seeking asylum based on frivolous claims, which ultimately lead their cases to be denied by an immigration judge.

Additional reporting:

[Washington Post](#) [11/19/2018 6:05 PM, Maria Sacchetti, 11653K]

[Associated Press](#) [11/19/2018 4:15 PM, Nomaan Merchant]

[Breitbart](#) [11/20/2018 3:58 AM, Staff, 2405K]

[BuzzFeed](#) [11/20/2018 1:49 AM, Hamed Aleaziz, 8149K]

[CNBC](#) [11/20/2018 4:19 AM, Staff]

[CNN](#) [11/20/2018 4:19 AM, Joe Sutton, 25865K]

[FOX News](#) [11/20/2018 5:14 AM, Edmund DeMarche and Benjamin Brown]

[MSN News](#) [11/20/2018 2:38 AM, Dan Levine, 55864K]

[Newsweek](#) [11/20/2018 3:47 AM, Chantal Da Silva, 1720K]

[Politico](#) [11/20/2018 6:01 AM, Ted Hesson and Ian Kullgren]

[NPR](#) [11/20/2018 4:19 AM, Emily Sullivan]

[USA Today](#) [11/20/2018 2:22 AM, Alan Gomez, 7165K]

[VOA](#) [11/20/2018 5:14 AM, Staff, DC]

[The Guardian](#) [11/19/2018 4:52 PM, Oliver Laughland, UK]

### **U.S. Slashes Migrant Border Crossings**

[Wall Street Journal](#) [11/19/2018 2:56 PM, Robbie Whelan] reports that the U.S. has slashed the number of migrants being allowed to cross the U.S.-Mexican border to legally apply for asylum, as caravans totaling some 10,000 migrants trudge north through Mexico. At the border station across from Yuma, Ariz., 30 families or more normally cross each day, say Mexican immigration officials. But in the last two weeks the U.S. Customs and Border Protection has let in one family a day at most, say migrants and their advocates. "It really seems like they are trying to discourage people from crossing to seek asylum legally, or trying to get them to go to other border crossings," said Iveth López, an immigration counselor with Chicanos Por La Causa in Somerton, Ariz. "It's been bad for a couple of

weeks." Reports of slowdowns at legal border crossings like this one are becoming commonplace across the 2,000-mile border from Texas to California. Immigration lawyers have complained of asylum seekers being blocked in recent days from entering the U.S. from the Mexican border cities of Matamoros, Reynosa and Ciudad Juárez as well.

## **Policy and Legislative News**

### **U.S. closes busiest Mexico border crossing for several hours**

[Washington Post](#) [11/19/2018 1:19 PM, Yesica Fisch and Julie Watson] reports that the United States closed off northbound traffic for several hours at the busiest border crossing with Mexico to install new security barriers on Monday, a day after hundreds of Tijuana residents protested against the presence of thousands of Central American migrants. The U.S. also closed one of two pedestrian crossings at the San Ysidro crossing in a move apparently aimed at preventing any mass rush of migrants across the border. The installation of movable, wire-topped barriers threatens to complicate life for Mexicans using San Ysidro, where about 110,000 people enter the U.S. every day in 40,000 vehicles. Long lines backed up in Tijuana, where many people have to cross the border to work on the U.S. side. Such inconveniences prompted by the arrival of the migrant caravan may have played a role in Sunday's protests, when about 400 Tijuana residents waved Mexican flags, sang the Mexican national anthem and chanted "Out! Out!" referring to the migrant caravan that arrived in the border city last week. Tensions have built as nearly 3,000 migrants from the caravan poured into Tijuana in recent days after more than a month on the road — and with many more months likely ahead of them while they seek asylum in the U.S. The federal government estimates the number of migrants could soon swell to 10,000.

[The Hill](#) [11/19/2018 2:40 PM, Michael Burke] reports that Department of Homeland Security Secretary Kirstjen Nielsen said Monday that traffic was shut down at the port of entry because a large number of migrants "were planning to rush the border" illegally. "This AM, all of SanYsidro Port of Entry's northbound lanes were temporarily closed to initiate additional port hardening efforts after @CBP officials were notified that a large # of caravan migrants were planning to rush the border in an attempt to gain illegal access to the US," Nielsen wrote in a tweet. Earlier Monday, traffic lanes were shut down by U.S Customs and Border Protection (CBP) at the San Ysidro Port of Entry, which is a major port of entry near San Diego. Nielsen wrote in a second tweet Monday that CBP and the Department of Defense blocked those lanes and said the lanes had been reopened "for legitimate trade and travel." Nielsen added in a third tweet that some migrants "are purposely causing disruptions at our border ports of entry." "There is a legal and illegal way to enter the US. We have deployed additional forces to protect our border. We will enforce all our laws," she continued. Earlier this month, the Pentagon deployed thousands of troops to the border at the request of President Trump, who has claimed that migrants who may seek asylum in the U.S. pose a national security threat. Trump on Sunday had criticized Nielsen during an interview on "Fox News Sunday," saying that she needed to be "much tougher" on the border.

[The Hill](#) [11/19/2018 9:21 AM, Emily Birnbaum] reports additionally that Defense Secretary James Mattis has emphasized that the troops are there as "border support" to help law enforcement as the migrants makes their way towards the country.

Additional reporting:



[CNN](#) [11/19/2018 5:37 PM, Geneva Sands]

[The Daily Caller](#) [11/19/2018 4:37 PM, Will Racke, 909K, DC]

[KPBS](#) [11/19/2018 9:00 AM, Priya Sridhar, 26K, CA]

### **Migrants fearful, anxious in aftermath of Tijuana protests**

[Washington Post](#) [11/20/2018 1:16 AM, Julie Watson and Mark Stevenson] reports many Central American migrants camped in Tijuana after crossing Mexico in a caravan said Monday that a protest over the weekend by residents demanding they leave frightened them and left them even more anxious while they try to get into the United States. The angry protests have been fed by concerns raised by President Donald Trump's month-long warnings that criminals and gang members are in the group and even terrorists, though there is no evidence of that. About 500 people demonstrated in an affluent section of Tijuana on Sunday against the caravan. Dozens of protesters then marched to an outdoor sports complex near downtown where 2,500 migrants are staying, sleeping on dirt fields and under bleachers after arriving at the border city a week ago. Tensions have built as nearly 3,000 migrants from the caravan poured into Tijuana in recent days after more than a month on the road — and with many more months likely ahead of them while they seek asylum in the U.S. The federal government estimates the number of migrants could soon swell to 10,000. Mexico's ambassador to the U.S., Geronimo Gutierrez, told reporters Monday that the situation is a "wake-up call" for the U.S., Mexico and Central America that could force the region to work together to address the difficult issue of immigration.

Additional reporting:

[PRI](#) [11/19/2018 4:15 PM, Emily Green]

### **U.S. adds more barriers, razor wire at Mexico border amid fears of a crowd surge**

[Washington Post](#) [11/19/2018 6:01 PM, Staff, 11653K] reports Homeland Security officials said Monday they have further restricted vehicle traffic at the San Ysidro border crossing, the nation's busiest, after receiving reports that crowds of migrants in Tijuana might attempt to overrun their checkpoints. U.S. Customs and Border Protection closed the entire San Ysidro crossing for several hours before dawn, installing additional layers of razor wire and concrete barriers. It reopened with 10 of the port's 26 vehicle lanes shuttered. The temporary closure was one of several measures the government has taken in recent days to "harden" U.S. border crossings as thousands of Central American migrants in caravan groups arrive in Tijuana with the goal of entering the United States.

The top U.S. border official, Kevin McAleenan, was nearly struck by a rock when he approached the fence to speak with migrants late Friday, according to San Diego Border Patrol sector chief Rodney Scott. DHS officials confirmed the incident Monday but said they do not know who threw the rock, which was about the size of a golf ball. President Trump said earlier this month that U.S. troops would treat rock-throwing as an armed attack, but he walked back those comments the next day and said the soldiers would not open fire.

The [Washington Examiner](#) [11/19/2018 7:36 AM, Paul Bedard, 567K, DC] reports that according to an eyewitness report, troops and trucks are delivering construction equipment, portable bathrooms and security to several areas along the border, the first wave of President Trump's promise to bolster immigration enforcement with 5,000 or more soldiers. The show of force is having the beneficial side effect of curbing illegal drug trafficking by the notorious Gulf Cartel, according to the report from the Center for Immigration Studies' Todd

Bensman. He reported today: "Intelligence friends told me the Mexican cartel across the river, CDG, was angered by the U.S. troop deployment because it slowed the pace of drug smuggling and that the blamed the caravan for this. The cartel, I was told, has threatened the migrants to pay steep fees to cross through their territory or go elsewhere, hence the initial moves to Tijuana. No telling whether this is true. I just heard it from sources with access to such information."

[Stars and Stripes](#) [11/19/2018 1:35 PM, Corey Dickstein, 114K] reports the roughly 5,800 active-duty troops sent to locations along the U.S.-Mexico border ahead of the Nov. 6 midterm elections will spend Thanksgiving in Texas, Arizona, and California, but they are expected to return home in time for Christmas, Pentagon officials said Monday. The troops supporting the operation assisting U.S. Customs and Border Protection agents once known as Faithful Patriot are expected to return to their home stations by Dec. 15, said Army Col. Rob Manning, a Defense Department spokesman. He indicated the Pentagon did not expect to deploy more troops to the border region "unless directed otherwise." Manning announced some service members could return home before Dec. 15 as they complete their work stringing coiled razor wire and emplacing other temporary barriers at locations on and near the southern border. "The bottom line is that our numbers will be commensurate with the capabilities that CBP is requesting," he said. The troops are expected to remain in place at least through this week.

Reported similarly:

[Huffington Post](#) [11/19/2018 6:33 PM, Elise Foley, 9094K]

[Spero News](#) [11/19/2018 3:31 PM, Martin Barillas, 2K, TX]

[KPBS](#) [11/19/2018 1:35 PM, Steve Walsh, 26K, CA]

### **Trump tweets photo of wire fence at U.S. border: 'No climbers anymore under our Administration!'**

[Washington Examiner](#) [11/19/2018 3:09 PM, Naomi Lim, DC] reports that President Trump charged Monday that news outlets were misleading Americans by sharing videos of migrants scaling segments of the fence along the U.S. southern border before it was updated with concertina wire as an extra deterrent. "The Fake News is showing old footage of people climbing over our Ocean Area Fence," Trump tweeted Monday. "This is what it really looks like - no climbers anymore under our Administration!" A Homeland Security official told the Washington Examiner the image was taken at Imperial Beach, Calif., the southern-most city in the state. The concertina wire was put in place in two installments, on Nov. 13 and Nov. 16. The wire was added after the first wave of migrants traveling with the Central American caravan last week began arriving at the U.S. border. News outlets, including Fox 5 San Diego, broadcast recordings of some members of the group ascending the bollard fence from the Tijuana side and sitting on top of the structure. The Fox News affiliate first published its story at 5 p.m. on Nov. 13. Trump has come under fire from critics who claim he sent U.S. military personnel to help deal with the caravan as "a political stunt" before the 2018 midterm elections. The past two presidents have also deployed National Guard troops to the U.S.-Mexico border.

### **Trump likely to give U.S. troops authority to protect immigration agents**

[Reuters](#) [11/19/2018 2:27 PM, Idrees Ali and Lizbeth Diaz, 4724K] reports President Donald Trump is likely to give U.S. troops authority to protect immigration agents stationed along the U.S. border with Mexico if they come under threat from migrants seeking to cross into

the United States, a U.S. official said on Monday. Ahead of U.S. congressional elections earlier this month, Trump denounced the approach of a caravan of migrants as an "invasion" that threatened American national security, and he sent thousands of U.S. troops to the border to help secure it. Currently, the troops do not have authority to protect U.S. Customs and Border Patrol personnel. The new authority could be announced on Tuesday, the official said, speaking on condition of anonymity.

### **Migrant caravan at U.S. border is harboring more than 500 criminals, Homeland Security claims**

[FOX News](#) [11/19/2018 12:08 PM, Greg Norman] reports that more than 500 criminals are traveling with the migrant caravan that's massed on the other side of a San Diego border crossing, homeland security officials said Monday afternoon. The revelation was made during a conference call with reporters, with officials asserting that "most of the caravan members are not women and children." They claimed the group is mostly made up of single adult or teen males and that the women and children have been pushed to the front of the line in a bid to garner sympathetic media coverage. "All legal options are on the table and we have been negotiating with all our partners in central America with ways to deal with the caravan," one official said when asked about reports that the U.S. government is planning to make asylum-seekers remain on the Mexican side of the border while their claims are being reviewed. Homeland Security officials say there are currently 6,000 people in Tijuana waiting to be processed at the San Ysidro border crossing, with more on the way. Those who have already entered the border city in the past few days have been met with an icy reception. The group's members are also coming to the realization that they could be stuck on that unwelcoming side of the fence for months if they try to enter America the legal way.

### **This is what Trump should do about the migrant caravan**

[Washington Post](#) [11/19/2018 12:08 PM, Rick Barton] reports that as the first arrivals from the latest Central American caravan reach the U.S. southern border, it is high time for the Trump administration to move from crisis mode to pro-active planning. To begin, Washington must acknowledge the gang war that is engulfing Central America. The region sees some of the highest homicide rates in the world, and many of those fleeing their homes are driven north by this violence. They have a "well-founded fear of persecution" and thus qualify as refugees. Washington must give them the protections and rights of the international agreements it helped create. This will not produce a northward rush of Central American migrants as the current administration so fears. In 2014, after a wave of migrants from the region traveled to the United States, driven by the violence in their countries, Washington began to grant a few of them refugee status, and no such additional surge occurred. Nevertheless, in June of this year, then-Attorney General Jeff Sessions reversed the Obama-era policy. In addition to treating migrants with dignity, the United States must address the root cause of the migration: the violence. One way is to encourage Central American governments to broker more peace deals between rival gangs. Alongside this top-down approach, the United States must mobilize citizens and local civil society to reestablish public safety.

### **The Feds Have A Constitutional Duty To Stop The Caravan At The Border**

[The Daily Caller](#) [11/19/2018 11:00 AM, Robert Natelson, 909K, DC] reports that whatever federal politicians may feel about immigration policy or the migrant caravan, their constitutional duty is clear: They must prevent the caravan from entering the United States by whatever means necessary. The caravan consists of 90-95 percent men, not the women

and children featured in the mainstream media. The organizers' strategy apparently is the same as that employed by Germanic migrants into the later Roman Empire – to overwhelm the border by force of numbers. We can argue about whether the caravan is an "invasion" as we use the word today. The caravan is an "invasion" within the meaning of the Constitution's Guarantee Clause. That clause does not merely empower federal officials to repel an "invasion." It commands them to do so.

### **It's Time to Enlist State and Local Police in Response to the Caravan**

[Breitbart](#) [11/19/2018 4:23 AM, Kris W. Kobach, 2405K] reports that the caravan has arrived. Nearly 3,000 aliens are already in Tijuana. Additional hundreds continue to join them each day. What many people don't realize is that this is not an unforeseen crisis. Believe it or not, 22 years ago, Congress wisely planned ahead just in case something like this happened in the future. Congress gave the president a valuable tool in the event that an "imminent mass influx of aliens" arrived at a coastal or land border of the United States. It was part of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, passed by a Republican Congress and signed by President Clinton. Codified in federal law at 8 U.S.C. § 1103(a)(10), the provision empowers the Secretary of Homeland Security to deal with a mass influx of aliens by authorizing state and local law enforcement officers to "exercise any of the powers, privileges, or duties" of ICE officers or Border Patrol officers. In other words, hundreds of police officers can be mobilized rapidly to assist the border patrol in performing its duties. It's an instant force multiplier to protect our nation's borders.

The time has come to put this tool to use. As the caravan members become frustrated with delays in obtaining asylum hearings and realize that, in any event, their chances of gaining asylum are miniscule, many will attempt to cross the border illegally. The U.S. military forces on the border are helpful in installing additional fencing, performing reconnaissance, and providing a visual deterrent; but they can't make immigration arrests. However, state and local police officers who are authorized under this law and provided appropriate training can.

### **Retired colonels tear into Trump over sending troops to border: 'A profound betrayal of our military'**

[The Hill](#) [11/19/2018 9:38 AM, Megan Keller, 2630K] reports that three professors, two of which are retired Army colonels, ripped into President Trump's decision to send more than 5,000 U.S. troops to the southern border in the face of the approaching migrant caravan. In a New York Times op-ed published Sunday, the trio writes that the president has used "military forces" as "toy soldiers." "The president used America's military forces not against any real threat but as toy soldiers, with the intent of manipulating a domestic midterm election outcome, an unprecedented use of the military by a sitting president," the group wrote, arguing that the order set a dangerous precedent. The group acknowledged that a number of presidents have asked troops to deploy to the border in the past, but noted that it was "usually the National Guard" and smaller numbers. "It's also not unusual for a president to ask the troops to deploy to the border in support of border security operations," they wrote. "[T]his was a blatant political stunt," the group argues. "When partisan actions like this occur, they violate civil-military traditions and erode that faith, with potentially long-term damage to the morale of the force and our democratic practice – all for electoral gain."

Trump has said the troops were deployed to provide logistical support to the border guards already stationed at the southern edge of the country, as a caravan of thousands of

immigrants forced its way through Mexico's border and pushed towards the U.S. Thousands have settled in the border towns of Tijuana and Mexicali, as they wait to apply for asylum, The New York Times reported in a separate news piece. Tijuana city officials fear that 10,000 migrants from the three caravans may temporarily settle in Tijuana.

Reported similarly: [Newsweek](#) [11/19/2018 12:19 PM, Chantal Da Silva, 1720K]

**Most Americans have common ground on immigration. Congress should listen to them.**

[Washington Post](#) [11/19/2018 6:11 PM, Charles Lane, 11653K] reports on immigration, a vast area of potential policy compromise lies between the extremes of nativist restriction and open borders. President Trump's vulgar demonization of unauthorized immigrants, coupled with his proposals to slash legal immigration, defines the morally and economically dubious right end of the spectrum. The call to "abolish ICE" – the U.S. Immigration and Customs Enforcement agency – from Rep.-elect Alexandria Ocasio-Cortez and others defines the utterly impractical left.

Last week, the New Center, a nonprofit Washington policy shop, released a proposal that, in a functional Washington, Congress and the White House would immediately consider. Its essence is a trade: legalization of roughly 11 million unauthorized immigrants already here, in exchange for tough measures against future illegal immigration. Those brought here as minors, the "dreamers," would receive immediate permanent residency. Others would be granted a new six-year status – "registered provisional immigrant" – that would gradually lead to citizenship, provided they meet criteria such as a clean criminal record and English training. The federal government would build a series of physical barriers, fencing and walls, where it makes practical sense, on the U.S.-Mexico border; crack down on visa overstay with the help of advanced biometric technology; and implement a universal E-Verify system to ensure that employers hire only authorized workers.

**Americans divided on whether immigrant caravan is threat to USA**

[USA Today](#) [11/19/2018 4:06 PM, Hasan Dudar, 7165K] reports more than half of Americans – 54 percent – see the immigrant caravan as some kind of threat, but a majority – 70 percent – say the same immigrants should be able to qualify for asylum in the USA, according to a nationwide poll released Monday. Patrick Murray, director of the New Jersey-based Monmouth University Polling Institute, said President Trump may have contributed to the nationwide divide over the immigrant caravan. The president turned the caravan into a campaign issue in the weeks leading to the midterm elections. "Most of the public express some level of concern about the approaching caravan, some of which may be due to unsubstantiated claims that the group includes terrorists," Murray said in a statement released with the Monmouth University Poll results. "At the same time most Americans feel that each migrant should be given the opportunity to state their case for entering the United States." [Editorial note: consult source link for video]

[CNN](#) [11/19/2018 3:42 PM, Grace Sparks] reports stoking fear about a migrant caravan was a top pre-election talking point of President Donald Trump's, but most Americans think migrants who reach the U.S. border should be given the opportunity to enter the country if they meet certain requirements, according to a new poll by Monmouth University. A full 70% support allowing migrants in the country while only a quarter think they should be sent back. Large majorities of Democrats and independents think the group should be given the



opportunity to enter, while Republicans are slightly more divided. Half of Republicans said the caravan should be turned back and 43% thought they should be given an opportunity to enter. A plurality said that the caravan poses no real threat to the U.S. and 29% said it's a major threat. Republicans are more likely to think of the migrants traveling to the border as a threat, whereas only 28% of independents and 11% of Democrats agree.

[The Hill](#) [11/19/2018 12:32 PM, Emily Birnbaum, 2630K] reports 29 percent of Americans say they see the migrant caravan, a group of thousands of Central Americans fleeing poverty and violence in their home countries, as a major threat to U.S., according to a new poll. 7 in 10 Americans surveyed said the migrants should be given the opportunity to enter the country, according to the Monmouth University poll out Monday. Of those surveyed, 24 percent said they see the caravan as a minor threat and 39 percent say it is no real threat to the U.S. Monmouth polling director Parick Murray said that political rhetoric may be leading to some of the respondents' concerns. [Editorial note: consult source link for video]

### **A commonsense answer to the immigration problem**

[The Hill](#) [11/19/2018 11:00 AM, Armstrong Williams] reports that a strong insistence on immigration enforcement and reform was a pillar of President Donald Trump's 2016 campaign and continues to be a central component of his vision to enact sensible policies that protect our citizens and our right to sovereignty. His is a practical, commonsense approach — a prime example of how the president is unwilling to simply go along with the status quo in Washington. We also must not forget that there is still a migrant caravan of people who intend to force their way into the United States. Having rejected offers of asylum from Guatemala and Mexico, they've continued to push northward toward the United States. Violence broke out when hundreds reached the border town of Tijuana, Mexico, and clashed with residents. These migrants have made it clear they do not care about our immigration laws — and for that matter, why would they? Until President Trump, every presidential administration in recent history has failed to address the problem of mass immigration, specifically illegal immigration, and the manipulation of asylum claims. For decades, American presidents have failed to effectively enforce our current laws.

This is where President Trump has taken a different direction, one that places America's interests first. Unlike many of his predecessors, he understands that our laws exist for a reason. The president has made it explicitly clear that the caravan will not be allowed to freely violate our borders and, as a result, he has taken proactive measures to prevent them from doing so by dispatching troops to our southern border. Furthermore, he has warned that any violent actions that might be directed toward American troops or law enforcement will be met with an appropriate response. President Trump is demonstrating to the American people — and perhaps more importantly, to the world — that our traditional laissez-faire attitude toward immigration will not continue.

### **What Congress Can Do Now to Fix Immigration Enforcement**

[Daily Signal](#) [11/19/2018 4:07 PM, David Inserra, DC] reports with just a month and a half remaining in the 115th Congress, members face a number of issues that require action. Immigration policy is one of those areas that will likely be a focal point of congressional debate and jockeying. President Donald Trump is demanding funds for a border wall, and while congressional leaders have promised there will not be a government shutdown over such funding, the president has not taken this off the table. But lawmakers should step back and consider this question: What is the most important, meaningful action they can take on

immigration policy before passing the baton to a politically divided 116th Congress? The answer is quite simple: Fix the enforcement of U.S. immigration laws. Border security is an important part of this, but the biggest problem the U.S. faces at the border isn't catching illegal immigrants — it's repatriating them. Of all non-Mexican family units and children that were caught at the U.S. border in fiscal year 2017, less than 2 percent have been removed from the U.S. And the number of those staying here is only increasing due to loopholes in our laws and a weak asylum system. Well-meaning laws like the Trafficking Victims Protection Reauthorization Act and court cases such as the Flores Settlement Agreement have limited our ability to detain and quickly remove unaccompanied alien children and those families with children — especially when they have claimed asylum. Those cases have to be adjudicated in court.

The result shouldn't surprise us: In fiscal year 2018, over 157,000 children and members of family units were caught at the southern border — up from less than 55,000 in fiscal year 2013. Asylum claims have also exploded. The number of hearings held for those claiming a "credible fear" in their home country has risen from around 5,100 in 2008 to 92,000 in 2016. Yet despite this surge of asylum claims, fewer people have actually been granted asylum in recent years — a trend that began during the Obama years. Today, our immigration court system is completely overwhelmed. It now takes an average of nearly two years to receive an immigration court hearing, whereas a decade ago the average wait time was just over a year. These glaring loopholes and failures to enforce the law are unsustainable, and are only encouraging more illegal immigration. A wall cannot stop these glaring problems of enforcement.

### **Government could hold migrant families indefinitely in unlicensed detention centers under new plan**

[Reveal](#) [11/19/2018 12:12 PM, Laura C. Morel] reports that migrant families could be held indefinitely in unlicensed detention centers under a new federal plan that also would end critical court protections for immigrant children, according to new court records. Under the so-called Flores agreement, created in 1997, the U.S. Office of Refugee Resettlement "shall release a minor from its custody without unnecessary delay" to a parent, relative, legal guardian or adult designated by a parent. But new Trump administration regulations would dismantle the landmark Flores agreement and allow authorities to release children only to a parent or legal guardian — even if those adult guardians are detained. The new restrictions would maintain "family unity," according to the government. But immigration lawyers argue that some children could be held in detention with their parents indefinitely while their immigration case is pending.

Lawyers also raise concerns about licensing requirements. Under Flores, children must be placed in state-licensed shelters that require certain standards such as specific staff-to-child ratios and reporting suspected child abuse. In another significant change, the new Trump regulations would allow children who arrived with parents to be detained in unlicensed family detention centers. The Department of Homeland Security would hire an auditor to "ensure compliance with the family residential standards established by ICE (U.S. Immigration and Customs Enforcement)," the rules read. Put another way, the government would be licensing itself.

### **The Trump Administration Just Made It Easier to Deport Survivors of Human Trafficking and Domestic Abuse**

[Mother Jones](#) [11/19/2018 6:10 PM, Kanyakrit Vongkiatkajorn] reports over the past two years, the Trump administration has made illegal immigration a top priority, but, much more quietly, it has also been making it increasingly difficult for immigrants to be in the US legally. Now, a small rule change is set to take effect Monday that targets some of the most vulnerable immigrants in the country: survivors of human trafficking, domestic violence, and other crimes. These groups of people typically apply for two kinds of humanitarian relief visas — the U and T visas — that require individuals to cooperate with US law enforcement in investigating certain crimes. But now, when applying for these legal protections, these men and women will face a much greater risk of deportation. Back in July, US Citizenship and Immigration Services (USCIS), the agency tasked with processing visas and other immigration benefits, released a policy broadening its ability to issue a Notice to Appear (NTA), a document that orders an immigrant to appear before a judge and begins deportation proceedings. As I reported previously, this change made it easier for USCIS to issue an NTA whenever someone applied for a change in benefits — like citizenship, or a green card — and was denied and lacked another legal status. Traditionally, USCIS only issued NTAs in limited circumstances, such as when an applicant was found to have committed a substantial level of fraud, and the agency referred most cases they denied to Immigration and Customs Enforcement (ICE), which would investigate. ICE then issued the majority of NTAs.

**Vitiello Tells Senate Defending ICE Mission, Existence Would be Priority if Confirmed**

[Homeland Security Today](#) [11/19/2018 2:04 PM, Bridget Johnson, 1K] reports U.S. Immigration and Customs Enforcement Acting Director Ronald Vitiello told lawmakers Thursday that, if confirmed to lead the agency, one of his highest priorities "will be to better demonstrate to the public, Congress, and the media the importance and criticality of the mission to protect the homeland and improve public safety and why our agency's existence should not be up for debate." Vitiello, the former chief of the Border Patrol and acting deputy commissioner of Customs and Border Protection, was named acting director in June to fill in for retired Acting Director Thomas Homan. President Trump had nominated Homan for the permanent directorship in November 2017, but his nomination remained pending in the Senate. In his confirmation hearing before the Senate Homeland Security and Governmental Affairs Committee, Vitiello said Americans need to remember "why ICE was created in the first place" to address "critical gaps in our national security" after the 9/11 terrorist attacks. "I believe Congress shares the goal of a strong border and an immigration system that has integrity," he said. "The men and women of ICE are among our nation's finest and most hard-working public servants and it is a privilege to serve alongside them." Vitiello said that ICE's successes "are too often drowned out or wrongly maligned by misleading rhetoric and misinformation in the public sphere," and charged that "This kind of rhetoric needlessly escalates the risk in our operational environment, making an already challenging job all the more difficult and dangerous." "It also harms the morale of our workforce, which is composed of people just like you who go to work each day to make our communities and our country safer," he added.

Sen. Maggie Hassan asked the nominee about a June letter to Homeland Security Secretary Kirstjen Nielsen from 19 Homeland Security Investigations agents asking that HSI be separated from ICE because deportations were making their jobs more difficult and taking more ICE funds. "Have you or will you take money from HSI and undermine their counterterrorism and national security capability in order to provide additional funding to ICE's deportation force?" Hassan asked. "We would never take money from one part of the organization to another if it meant an increased risk to national security," Vitiello replied. "I

would love to be in a place where the appropriation was adequate to cover all the needs and the mandatory authorities that we have to exercise. In every enterprise you have to make choices and you have to weigh the risks." Vitiello noted that he read the letter, "considered the idea" of an ICE/HSI split "And I don't think we should take any steps in that direction." "I think that what HSI brings to the table in money laundering, its complex narcotics investigations, their work against MS-13 relies on the agency's complete resources and their authorities under Title 8 to prosecute and MS-13 gang members to clean up communities like we did in Long Island – and having those two complementary missions side-by-side is better for America than it isn't," he said. Lawmakers are gone for the Thanksgiving break and the HSGAC does not currently have a meeting on the calendar to vote on Vitiello's nomination.

#### **[VT] ICE protesters who blocked road seek OK to use necessity defense**

[VT Digger](#) [11/19/2018 4:57 PM, Aidan Quigley, VT] reports the protesters who blocked traffic in Williston in July to draw attention to the Trump administration's family separation policy are facing disorderly conduct charges in state court and arguing their actions were necessary to prevent greater evil. Nine of the 11 adults who were arrested are seeking a criminal trial-by-jury, while two have accepted entry into a court diversion program. They are facing disorderly conduct charges, which carry a penalty of 60 days in jail and/or a \$500 fine. The state filed motions opposing the defendants' necessity defense on Friday, arguing the protesters do not meet the requirements for the court to allow it. More than 100 people attended the July 28 protest outside of the Immigration and Customs Enforcement agency tip center in Williston. The 13 protesters who were arrested — eleven adults and two juveniles — had refused orders to move out of the road.

#### **[MA] Springfield Council approves 'welcoming city' ordinance, protects undocumented immigrants**

[MassLive](#) [11/19/2018 9:07 PM, Jeanette DeForge, MA] reports the City Council took the first step to pass an ordinance that would help protect immigrants – especially those without documentation - after more than a 100 people flooded the meeting and spoke in support of the proposal. The Welcoming Trust Ordinance bans city employees from inquiring about a resident's immigration status unless required by federal or state law and bans them from serving as an immigration officer. It also stops city employees from targeting any medical, educational or faith institution from providing refugee to immigrants and their families.

Additional reporting: [MassLive](#) [11/19/2018 3:16 PM, Peter Goonan, 167K, MA]

#### **[NJ] Report: New Jersey Jail Refused 92 Detainer Requests for Criminal Illegal Aliens**

[Breitbart](#) [11/19/2018 11:30 PM, Katherine Rodriguez, 2405K] reports a New Jersey county jail refused 92 immigration detainer requests for criminal illegal aliens to be deported, according to a report released Friday by the Immigration Reform Law Institute. The report cited U.S. Immigration and Customs Enforcement records on law enforcement agencies which failed to acknowledge ICE detainers and revealed that the Middlesex County Jail in New Jersey did not honor a total of 92 immigration retainers. Of the 92 immigration retainers denied by the jail, 52 of them were for serious crimes – classified by ICE as Level 1 and 2 offenses – such as homicide, sexual assault, and fraud.

#### **[PA] Why Philadelphia hosted anti-deportation training for Latino workers**

[Philadelphia Inquirer](#) [11/19/2018 12:48 PM, Juliana Feliciano Reyes and Jesenia De Moya Correa, PA] reports that Trinidad, a 40-year-old Mexican construction worker who lives in North Philly, and the officer — actually an organizer with union UNITE HERE — aren't out in the street on this cold Friday night. They're in the community center of St. Joan of Arc church in Kensington, role-playing for a small audience, to go over their rights in case of a run-in with the cops or with Immigration and Customs Enforcement. It's the third session of the City of Philadelphia's Immigrant Workers Academy, launched in May to empower and educate immigrants about their rights on the job. Immigrant workers, especially those who are undocumented, are among the most vulnerable in Philadelphia, subject to wage theft, informal work arrangements, and unsafe conditions, as well as the fear that ICE might come for them if they speak out of turn. Philadelphia is home to the most aggressive ICE office in the country. Friday's training, on the recommendation of one of the members of the Philadelphia Workers Association, a construction worker coop owned by Latino immigrants, was the first that was focused exclusively on interacting with law enforcement, as well as the first that was conducted entirely in Spanish.

### **[TX] Harris County Ranks Third In "Secure Communities" Deportations**

[Houston Public Media](#) [11/19/2018 12:18 PM, Elizabeth Trovall, 21K, TX] reports Harris County ranks third in deportations nationwide through a major immigration enforcement program called "Secure Communities," according to new data from Syracuse University. Texas averaged 1,975 deportations per month during the first nine months of fiscal year 2018, more than any other state in the country. Total deportations in Harris County alone were over 1,800 in that same time frame. Numbers offer a glimpse at immigration enforcement at a state and county level, but not a complete picture, said Susan Long, director of Syracuse University's TRAC research center, which tracks immigration law enforcement data. "It would be nice to do this for all ICE removals, but ICE contends it isn't possible," said Long. She said ICE claims to only track "Secure Communities" data at a county level, those are deportations that have relied on FBI fingerprint data and often involve local law enforcement. ICE's "Secure Communities" program facilitates cooperation of local law enforcement with immigration officials. It uses FBI fingerprint data and will detain immigrants until ICE can take them into their custody, even if the immigrant hasn't yet been convicted of a crime.

### **[TX] "We had to leave Venezuela," says asylum seeker waiting at Texas border**

[FOX San Antonio](#) [11/19/2018 11:02 PM, Yami Virgin, 7K, TX] reports while a caravan of asylum seekers heads to the border at California, there are some asylum seekers who have been waiting longer at the Nuevo Laredo border in Texas for their turn to ask for political asylum. Fox 29's investigative reporter Yami Virgin and photojournalist Brian Sanchez crossed by foot into Nuevo Laredo and spoke to these former Venezuelan government workers who left everything behind to seek refuge in America. For four days, Carla says she, her husband, her two young daughters and her son lived on the streets of Nuevo Laredo. Carla said she is being persecuted politically; in Spanish she explains: "I worked for the oil company and handled confidential information," Carla said. "They thought I was filtrating info out and they beat me. We had to leave the country."

### **[CA] San Diego human rights coalition launches crowdfunding campaign for asylum-seekers**

[KUSI News](#) [11/19/2018 6:14 PM, Staff, 22K, CA] reports a local human-rights organization announced a fundraising effort Monday to support shelter and legal assistance for migrant



families seeking asylum in the United States. According to the San Diego Rapid Response Network, a coalition of social service organizations in and around San Diego, federal immigration authorities have been allowing 50 to 70 asylum-seeking migrants into the area each day since Oct. 26. The migrants are often left homeless and without necessary resources like money, food and medical care. With many asylum-seekers already in the country, and thousands more waiting in Tijuana to have their claims processed, the coalition announced a GoFundMe campaign to help asylum-seekers get on their feet. The campaign will fund necessities like bedding, portable showers and food, organizers said.

**[CA] San Diego Agencies Organize Shelter for Refugees 'Abandoned on Streets'**

[Times of San Diego](#) [11/19/2018 6:00 PM, Staff] reports a coalition of respected San Diego social service agencies revealed Monday an emergency program to help hundreds of refugees "abandoned on the street by ICE" in recent weeks. Led by the ACLU, Jewish Family Service and Catholic Charities, the San Diego Rapid Response Network is responding to a new policy by Immigration and Customs Enforcement under which families seeking asylum are dropped at bus stations and other public locations wearing ankle bracelets but without other arrangements. The agencies have set up a shelter where families are provided with food, water, cots and bathrooms, as well as medical assistance and help making in legal and travel arrangements. The shelter, whose location was not revealed because of privacy and safety concerns, was set up Oct. 26 after ICE began the new release program.

Additional reporting: [KPBS](#) [11/19/2018 8:15 PM, Matt Hoffman, 26K, CA]

## **Legal News**

**[ME] Pakistani man whose country won't let him back home sentenced to 8 months in prison**

[Bangor Daily News](#) [11/20/2018 1:00 AM, Judy Harrison, 75K, ME] reports a Pakistani man who has been ordered removed from the U.S. but is unable to return to his homeland was sentenced Monday in U.S. District Court in Bangor to eight months in prison. Zafar Iqbal-Khan, who has been living in the Bangor area for at least a decade, in June pleaded guilty to violating the conditions under which he was allowed to stay in the U.S. by committing new crimes. He was arrested last year for drunken driving, driving without a license and failure to give a correct name. Once he completes his sentence in about 2 1/2 months – since he has already been in jail for 5 1/2 months – Iqbal-Khan will be detained by Immigration and Customs Enforcement until he can appear before an immigration judge again for removal proceedings. Iqbal-Khan has been in and out of ICE custody since 2004, according to court documents. He has been ordered removed several times, but the Pakistani government has refused to issue him travel documents for more than a decade.

**[NY] Troy mother facing deportation gets immigration case dismissed**

[Times Union](#) [11/19/2018 4:07 PM, Mallory Moench, NY] reports Dalila Yeend, a Troy mother of two facing deportation, had her case dismissed in immigration court Monday morning after filing a green card application with funds donated by strangers. Yeend can no longer be deported, doesn't have to return to immigration court near Buffalo or check in with the government while her application to become a permanent resident based on her petition as a domestic violence survivor is pending. It could take up to a year to get an answer —

but her attorney, Siana McLean, who practices near Buffalo, said she has a good chance of getting it because she already has an approved petition. Yeend, who is originally from Australia, came to the U.S. from New Zealand with her mother when she was 17 years old. Yeend made headlines in May when she was arrested by U.S. Immigration and Customs Enforcement following a traffic stop for rolling through a stop sign in Troy. The single mother of a nine-year-old and 11-year-old spent two and a half months in immigration detention near Buffalo and was abruptly released in August. In September, she applied for work authorization and a green card based on her petition as a domestic violence survivor. She's had the approved petition since 2014, but because of inconsistent legal representation and lack of knowledge, hadn't applied yet for a green card. A month later, she received a notice that she failed to demonstrate her "inability to pay" and wasn't eligible for a waiver for the \$1,225 fees. She hasn't been able to work since she was detained in May. Yeend and McLean said that the immigration judge in Buffalo on Monday was shocked that the initial fee waiver was denied.

### **[NJ] Murphy says NJ finalizes \$2.1M in aid for immigrants**

[Washington Times](#) [11/19/2018 2:56 PM, Associated Press, DC] reports that New Jersey has allocated more than \$2 million to help immigrants facing deportation. Democratic Gov. Phil Murphy announced that the \$2.1 million grant agreement called for in this year's budget was finalized on Monday. The agreement calls for \$925,000 to go to Legal Services of New Jersey and the American Friends Service Committee. Rutgers and Seton Hall's law schools will also each get \$125,000 as part of the agreement Murphy. A copy of the agreement was not provided, but Murphy says the money will help provide legal aid to detained, low-income residents facing deportation. It's unclear how far the money will go. Immigration and Customs Enforcement doesn't release information on how many immigrants are detained in New Jersey.

Reported similarly:

[Warren Reporter](#) [11/19/2018 5:42 PM, Brent Johnson, 854K, NJ]

[Burlington County Times](#) [11/19/2018 3:37 PM, David Levinsky, 10K, NJ]

[NJ Biz](#) [11/19/2018 2:16 PM, Gabrielle Saulsbery, NJ]

[New Jersey 101.5](#) [11/19/2018 7:30 PM, Michael Symons, 43K, NJ]

[New Jersey Law Journal](#) [11/19/2018 3:29 PM, Michael Booth, 118K, NJ]

[WHYY](#) [11/19/2018 5:09 PM, Mike Catalini, 37K, PA]

### **[FL] Cocaine Cowboy deported to Dominican Republic after his bid to stay in U.S. fails**

[Miami Herald](#) [11/19/2018 6:54 PM, Jay Weaver, 610K, FL] reports one of South Florida's most infamous cocaine cowboys – Willie Falcon – has been deported to the Dominican Republic after his bid to stay in the United States failed following his 20-year prison sentence on a drug-related money laundering conviction. Falcon, 62, was deported earlier this month because he was a convicted felon without U.S. citizenship. He had been held in Louisiana since June 2017 by immigration authorities who at first sought to deport him to his native Cuba. But Falcon, who recently lost his final federal court appeal to block his deportation, won't be sent to Cuba as he and his Miami family members initially feared, according to federal officials. The Dominican Republic government agreed to accept Falcon as a resident.

### **[MN] High Court Won't Hear Immigrant's Domestic Violence Case**

[Law 360](#) [11/19/2018 8:55 PM, Nicole Narea] reports the U.S. Supreme Court on Monday refused to hear a case brought by an unauthorized immigrant challenging his deportation order on the basis of his domestic assault conviction, according to its order list. In his petition for a writ of certiorari from July, J. Cruz Ramirez-Barajas had told the justices that his Minnesota state law conviction for domestic assault was not a "crime of violence" warranting removal under the Immigration and Nationality Act. Under the statute, an individual cannot intentionally cause his or her family or household members to fear immediate bodily harm or death. Ramirez-Barajas had asserted that there was a deep circuit split over whether a conviction under a state statute criminalizing causation of "bodily harm" would inherently involve a violent act, thus qualifying as a crime of violence. Some circuits, he noted, have found that one can cause bodily harm without the use of physical force, meaning that such statutes do not describe a crime of violence. The government, however, had asserted that the circuit split he described was resolved in the high court's 2014 decision in *U.S. v. Castleman*, where the justices ruled that a man's conviction of misdemeanor domestic assault under a Tennessee statute qualified as a misdemeanor crime of domestic violence under federal law. The government also argued that the Eighth Circuit and the Board of Immigration Appeals correctly found that Ramirez-Barajas' conviction did, in fact, describe a crime of violence necessitating deportation.

**[CO] Vail Valley immigration attorneys regularly deal with visa expiration cases**

[Vail Daily](#) [11/19/2018 7:23 PM, Scot Miller, 13K, CO] reports that calling immigration law complex is a gross understatement. But there's one bit of easy-to-understand advice: keep your documents up to date. Local immigration attorney Amy Novak said she regularly talks to people who have either over-stayed a visa or somehow want to remain legally in this country. The problem, she said, is that "if you have overstayed ... you no longer have the authority to stay." The consequences of over-staying a visa are quite real, Novak said. People can't get another non-immigrant visa, and therefore often have to go underground.

**[AZ] Catholic Charities attorneys get a close-up view of desperation at the border**

[Arlington Catholic Herald](#) [11/19/2018 12:00 AM, Diana Sims Snider, 5K, VA] reports two Catholic Charities attorneys have returned from a week at the U.S. border between Nogales, Mexico, and Nogales, Arizona, with a deeper understanding of the journey facing migrants headed north to U.S. ports of entry in search of asylum. Ashley LaRicca and Tyler Lloyd, who work in the Hogar Immigrant Legal Services office in Alexandria, spent five days along the border and in Tucson, Ariz., conducting immigration screenings and asylum orientations to individuals and families. The lawyers scheduled their October trip following an appeal by the Catholic Legal Immigration Network. CLINIC called on Catholic Charities and other agencies to send attorneys to provide migrants something they were unlikely to have otherwise: legal advice for navigating the complex immigration system and gaining permission to reside in the U.S. CLINIC reimbursed agencies for the attorneys' time and travel. The decision to grant admission to migrants rests with border authorities.

**[CA] Lawsuit claims Riverside County Sheriff's deputy used excessive force, violated flower vendor's civil rights**

[San Bernardino County Sun](#) [11/19/2018 7:58 PM, Ruby Gonzales, 12K, CA] reports a flower vendor has sued a Riverside County Sheriff's deputy, Riverside County Sheriff Stan Sniff, the department and the county over an arrest last year in Perris, where she claims she was beaten and slammed to the ground. At a Monday press conference held in their South Pasadena office, lawyers for Joaquina Valencia alleged the deputy asked her for

papers and assumed she was an undocumented immigrant because she is a Latina with brown skin. The lawsuit, which was filed in Riverside County Superior Court on June 27, alleges her detention and arrest constituted unreasonable search and seizure, that the deputy used excessive force, that the county and department were negligent because of their inadequate supervision, training and discipline of deputies, and that the defendants conspired to violate Valencia's civil rights.

## **Enforcement News**

### **Fourth arrest in case of illegal immigrant who ICE says killed 3 after 'sanctuary' release**

[FOX News](#) [11/19/2018 4:15 PM, Robert Gearty] report prosecutors announced a fourth arrest Monday in the case of an illegal immigrant charged with killing three people in Missouri after being released from a New Jersey jail. Nyadia Burden, 25, purchased the bullets that Luis Rodrigo Perez, 23, used in two separate shootings Nov. 1 and Nov. 2 that left three people dead and two wounded, Missouri prosecutors said. Burden was charged with murder as have Perez and an alleged accomplice Aaron Anderson, 19. Perez was being held at the Middlesex County Jail when ICE Enforcement and Removal Operations placed a detainer on him that was ignored. ICE officials said Middlesex County's sanctuary policy was to blame. "This case is, unfortunately, a tragedy that happened that may have been avoided," John Tsoukaris, the field office director for ICE Enforcement and Removal Operations in Newark told mycentraljersey.com last week. "The only county jail right now in the state that refuses to work with us is the Middlesex County Jail." Middlesex County has defended its policy.

### **[PA] Taiwanese Exchange Student Who Threatened To 'Shoot Up' High School To Be Deported**

[The Daily Caller](#) [11/19/2018 6:33 PM, Neetu Chandak, DC] reports a federal judge ruled Monday that a Taiwanese exchange student who threatened to "shoot up" a high school near Philadelphia will be deported. An-Tso Sun, or "Edward," talked about shooting Monsignor Bonner and Archbishop Prendergast High School, The Associated Press reported Monday. "Hey, don't come to school on May 1st ... I'm going to come here armed and shoot up the school," the 18-year-old told a fellow student on March 26, according to the U.S. Attorney's Office Eastern District of Pennsylvania press release. "Just kidding." The student told school officials who then informed law enforcement, the press statement said. Sun pleaded guilty to making terroristic threats in June 2018. He was sentenced four to 23 months of incarceration with immediate parole. Sun agreed to the deportation as part of a plea agreement, though it could be four to six weeks before he's deported, Sun's attorney Robert Keller said, The AP reported.

### **[PA] Clergy to show support for families living in sanctuary in Philadelphia churches**

[FOX 29 Philadelphia](#) [11/19/2018 7:02 AM, Staff, 43K, PA] reports that the fight for sanctuary families in Philadelphia will continue Monday morning as local clergy are expected to ask for more time for those families. Those families will get some support in the form of a protest scheduled for Monday outside of the U.S. Immigration and Customs Enforcement building. Clergy from the New Sanctuary Movement will go to ICE to pray and show their support for two families currently living in sanctuary at a local church. A letter of support will be delivered to ICE District Director Simona Flores. The Thompson and Reyes

families both fled the threat of gangs in Jamaica and Honduras, and fear they and their young children could become victims of violence if they returned to their countries. Both families tried to apply for asylum but were denied and now face deportation.

**[AR] Illegal immigrant in viral police shootout in U.S. under DACA, ICE says**

[Washington Times](#) [11/19/2018 2:07 PM, Stephen Dinan, 547K, DC] reports the illegal immigrant whose shootout with an Arkansas sheriff's deputy last week was caught on a dashboard cam and went viral was in the U.S. under the Obama-era DACA program, U.S. Immigration and Customs Enforcement said Monday. Luis Cobos-Cenobio, 29, faces charges of terrorism and attempted capital murder after a shooting spree that saw him open fire at on police during two separate confrontations as he tried to escape a routine traffic stop last week, authorities said. Mr. Cobos-Cenobio had at least two previous arrests, officials said, including one misdemeanor charge in 2015 that brought him to ICE's attention. But the Obama administration, which was in office at the time, concluded he wasn't a danger, and declined to pursue deportation. "ICE did not lodge a detainer against Mr. Cobos-Cenobio in 2015 as he is a DACA recipient and did not meet the threshold for enforcement under the DHS enforcement priorities in place at that time," the agency told The Washington Times. [Editorial note: consult source link for video]

Reported similarly: [Breitbart](#) [11/19/2018 7:53 PM, John Binder, 2405K]

**[MO] Police: Springfield woman charged with murder after buying bullets used in double-homicide**

[Springfield News-Leader](#) [11/19/2018 11:11 AM, Harrison Keegan, 20K, MO] reports a Springfield woman is facing a possible life sentence after police say she bought the bullets used in a recent double-homicide. Nyadia Burden, 25, was charged Friday with two counts of first-degree murder and two counts of first-degree assault in connection with a Nov. 1 shooting that left two people dead and two others in the hospital. Court documents say Burden was not present when the shooting occurred just after midnight at 906 E. Locust St. The two people killed in the shooting have been identified as 38-year-old Steven R. Marler and 23-year-old Aaron J. Hampton. The alleged shooters, Luis Perez and Aaron Anderson, have been arrested and charged with murder. U.S. Immigration and Customs Enforcement says Perez is originally from Mexico and is in the country illegally.

**[TX] Child Rapist, Gang Members Arrested by Texas Border Patrol Agents**

[Breitbart](#) [11/19/2018 1:08 PM, Bob Price, 2405K] reports that Border Patrol agents in the Rio Grande Valley Sector arrested three Central Americans who are known members of violent gangs. The agents also arrested five illegal immigrants with criminal histories that include convictions for homicide, child rape, and other sexual crimes against children. Agents assigned to the McAllen Station apprehended a group of 39 illegal immigrants near Hidalgo, Texas, on November 14. During processing, the agents learned that one of the migrants, a Guatemalan national, is a member of the 18th Street gang. The Guatemalan admitted to the gang membership, according to Rio Grande Valley Sector Border Patrol officials. Agents assigned to the Rio Grande City Station apprehended another Central American migrant who illegally crossed the border near Roma, Texas, on November 11. A records check completed during processing identified the Salvadoran national as a member of the 18th Street gang. A few days earlier, McAllen Station agents received a request for assistance from the La Joya Police Department regarding a human smuggling operation. When the agents arrived they carried out an interview and determined that the three



migrants were in the U.S. illegally. They transported the migrants to the station and carried out background investigations that revealed one of the men to be a member of the MS-13 gang. In addition to the three members of violent gangs who were arrested after illegally entering the U.S. agents also apprehended several illegal immigrants with criminal convictions.

**[TX] Six Illegal Immigrants from Bangladesh Apprehended at Texas-Mexico Border**

[Lifezette](#) [11/19/2018 6:00 PM, Elizabeth M. Economou] reports to hear progressives dismiss border security and the ever-growing immigration crisis is like listening to late-night talk show hosts wax poetic about virtue — it's something that doesn't seem to resonate. Case in point: Earlier this month, former President Barack Obama derided President Donald Trump for "fear mongering" about the migrant caravan en route to the United States border, as many news outlets reported. It's evident Obama hadn't stepped foot on the Texas-Mexico border recently, if ever — where Laredo Sector Border Patrol agents continue to find illegal immigrants on their way here from Bangladesh. During a 12-hour period beginning last Saturday evening, in fact, six Bangladeshi nationals were apprehended in two separate incidents, according to Breitbart News. The apprehension of the 12 Bangladeshi nationals this past weekend comes after Sen. Kamala Harris (D-Calif.) recently likened Immigration and Customs Enforcement (ICE) to the Ku Klux Klan — in addition to engaging in a televised Kavanaughesque-like grilling of Ronald Vitiello, the acting director of ICE.

**[TX] Illegal immigrant, 18, who was deported two years ago, 'shot and killed a Texas convenience store clerk, 48, in an armed robbery'**

[Daily Mail](#) [11/19/2018 9:59 AM, Megan Sheets, UK] reports a suspected illegal immigrant has been charged in the murder of a convenience store clerk during an armed robbery in Houston, authorities say. Jose Bonilla-Ortiz, 18, was arrested on Saturday morning at an apartment about two miles north of the Metro Food Mart where he is accused of gunning down Bangladeshi immigrant Faruk Bhuiya, 48. The 18-year-old has no prior criminal history in Harris County, but jail records show Immigration and Customs Enforcement placed a detainer on Bonilla-Ortiz because he is not believed to be a U.S. citizen. He was deported from the country in 2016, prosecutors say. It was not immediately clear where he is originally from.

**[CA] Four suspected undocumented immigrants detained after swimming ashore in Imperial Beach**

[San Diego Union-Tribune](#) [11/19/2018 8:20 PM, Alex Riggins, CA] reports Border Patrol agents detained a quartet of Mexican citizens suspected of being unauthorized immigrants who were allegedly dropped by boat off the coast of Imperial Beach and swam ashore Monday morning, authorities said. The agency began receiving numerous calls around 7:35 a.m. regarding four people in wetsuits swimming toward shore near the Imperial Beach Pier, Border Patrol public-affairs Agent Eduardo Olmos said. The agents learned later that the group consisted of three men and one woman, all of whom were Mexican nationals suspected of entering the U.S. without documentation.

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Wednesday, Nov. 21, 2018**

## **Executive Office for Immigration Review**

In blow to Trump's immigration agenda, federal judge blocks asylum ban for migrants who enter illegally from Mexico ..... 3

Trump Takes Aim at Appeals Court, Calling It a 'Disgrace'..... 4

Court ruling undercuts Homeland Security chief's warning to migrants at U.S.-Mexico border..... 5

Children trying to enter the U.S. legally to seek asylum are being turned away. 6

Send judges, not troops, to the border. 6

## **Policy and Legislative News**

DHS secretary sets 'record straight' on migrant caravan during San Diego visit 6

U.S. to Shift Some Troops, but Border Mission Will Last Until Dec. 15..... 7

Most Members Of The Migrant Caravan Haven't Come Close To A U.S. Soldier 8

Rock thrower who nearly hit top U.S. border official remains at-large ..... 8

DHS Warns Migrant Caravan Includes Over 500 Criminals, As Anti-Caravan Protests In Mexico Escalate ..... 8

Trump administration paying undercover informants in migrant caravan: report ..... 9

Caravan spotlights immigration tensions in Mexico ..... 9

Honduran denies he's the force behind caravan, says migrants just want jobs and freedom from violence ..... 10

With troops soon pulling back from the border, Trump's late-campaign ploys have dried up ..... 10

Anti-immigrant activists in Tijuana hijack Trump's rhetoric ..... 10

The desperation of Central American asylum-seekers place them in a world beyond politics..... 11

Immigrants arrive with significant 'mental health' issues ..... 11

U.S. and its moral obligation to those at the border..... 11

Congress Must Fix Enforcement of U.S. Immigration Laws..... 12

Homan: 'Liberal 9th Circuit Judge' Trying to Stop Trump From Protecting Border..... 12

Former Acting ICE Director Tom Homan: 'Seeking A Better Life Does Not Qualify For Asylum'.....	12	[NJ] Hughes Hubbard Wins Asylum for Nigerian Immigrant.....	18
CNN's Toobin on asylum vs. economic immigration: You can't come to the U.S. 'just because you want a better life'.....	13	[PA] Seeking Political Asylum, Immigrant Pays Company That Bailed him Out of Prison .....	19
America Is Ignoring A Huge Part Of Trump's Crackdown On Immigrants....	13	[MI] Judge says families 'shattered,' wants Iraqi detainees freed .....	19
House Democrats demand information on Trump's zero-tolerance border policy .....	14	[OR] Portland man pleads guilty in attempt to bribe ICE agent to deport wife .....	20
Ex-ICE Boss: Kamala Harris Should Apologize .....	14	[CA] Battleground: The Fight Over Immigration Consultants, Notarios and the Future of California Law .....	20
Immigration hawks fear DOJ staff exodus .....	14	<b>Enforcement News</b>	
Immigration policies, deportation threats keep kids out of school, report states .	15	U.S. detaining highest number of migrants in 17 years: report.....	20
The Price Tag of Migrant Family Separation: \$80 million and Rising .....	15	Veterans deported for committing crimes want second chance to return to U.S. ....	21
On World Children's Day, Amnesty Calls Out Trump for 'Abhorrent' Detention of Refugee Kids and Families .....	16	[CT] Deportee, ex-Norwalk resident, sentenced for illegally entering U.S. ....	21
Documentary series to show "unprecedented access" to ICE and Homeland Security .....	16	[NJ] Rutgers University professors say recent ICE arrest goes against 'safe haven' .....	21
[NC] North Carolina Sheriff Dubs County 'Drug Hub' of Southeast .....	16	[PA] U.S. to deport Taiwan student who threatened to shoot up Pennsylvania school .....	22
[TX] Twenty-Nine Families Ordered Released from Dilley Detention Center .....	17	[NC] Protesters call for ICE to release local undocumented man whom agents took into custody Monday .....	22
[WA] Law school suspends program with ICE after student pressure .....	17	[MO] Shawnee Resident Whose Bike-Repair Business Helped His Native Gambia Faces Deportation.....	22
<b>Legal News</b>		[TX] Groups of 100 Central American Migrants Apprehended at Texas Border .....	22
Trump gets rebuked by another federal judge as he tests the limits on immigration law .....	17	[TX] MS-13 gang member extradited to El Salvador on murder, terrorism charges .....	23
[ME] Gov. LePage denies pardon for Waterville resident deported to Haiti ...	18	[TX] Advocacy group: ICE moved detained woman after Taylor official visited her.....	23
[NY] Queens Immigration Attorney Found Guilty of Operating Asylum Fraud Scheme.....	18		

[TX] Harris County among top counties in U.S. where ICE deports people ..... 24

[AZ] Tucson man arrested at border for trying to smuggle 3 ..... 24

[WA] 5 teens escape immigration facility after guards assaulted ..... 24

[CA] Gang member and sex offender arrested by BP .....24

[CA] Egyptian National Allegedly Drove Autistic Children Off Pier to Collect Life Insurance Money .....25

[Mexico] Tijuana arrests 34 Central America migrants on minor charges ....25

## Executive Office for Immigration Review

### In blow to Trump's immigration agenda, federal judge blocks asylum ban for migrants who enter illegally from Mexico

[Washington Post](#) [11/20/2018 4:32 PM, Maria Sacchetti and Isaac Stanley-Becker, 11653K] reports a federal judge has temporarily blocked the Trump administration from denying asylum to migrants who crossed the southern border illegally, saying the president violated a "clear command" from Congress to allow them to apply. In a ruling late Monday, Jon S. Tigar of the U.S. District Court in San Francisco issued a temporary nationwide restraining order barring enforcement of the policy announced by President Trump on Nov. 8, which he billed as an urgent attempt to halt the flow of thousands of asylum-seeking families across the border each month. The government had said it would allow only people who cross at legal checkpoints to request asylum. Those entering elsewhere could seek a temporary form of protection that is harder to win and doesn't yield full citizenship. The changes would amount to a transformation of long-established asylum procedures, codified both at the international level and by Congress. "Whatever the scope of the President's authority, he may not rewrite the immigration laws to impose a condition that Congress has expressly forbidden," wrote the judge, whom President Barack Obama nominated to the federal bench in 2012. Tigar reasoned that the "failure to comply with entry requirements such as arriving at a designated port of entry should bear little, if any, weight in the asylum process." The Trump administration said Tuesday it will continue to press the matter in court. The challenge to the asylum ban was brought by the American Civil Liberties Union and other advocacy groups on behalf of East Bay Sanctuary Covenant. The order reflects the judge's view that the plaintiffs are likely to succeed on the merits, and would suffer irreparable injury from the executive action. In his proclamation, Trump said the changes were necessary to prepare for the caravan's arrival, arguing that asylum seekers had no "lawful basis for admission into our country." In justifying the policy, the administration relied on the same emergency authority invoked as grounds for the "travel ban." In a hearing Monday, Scott Stewart, a lawyer for the Justice Department, spoke of a "crushing strain" of migrants attempting to cross the border illegally. He alleged that most asylum claims were "ultimately meritless."

The [Washington Post](#) [11/20/2018 8:08 PM, Maria Sacchetti and Sarah Kinoshian, 11653K] further reports the Trump administration on Tuesday was forced to resume processing asylum claims from migrants apprehended at the U.S.-Mexico border, a bitter blow for a president who has waged an all-out effort – including the deployment of thousands of military troops – to stanch the flow of Central American families into the country. U.S. District Judge Jon S. Tigar froze the president's new asylum policy late Monday, saying federal law clearly states that migrants can seek asylum anywhere on U.S. soil. Tigar said

the president's new rules exposed adults and children to "increased risk of violence and other harms." The Trump administration signaled Tuesday that it would continue to fight in court to implement the asylum policy, which a joint statement from the Department of Homeland Security and the Justice Department compared to the version of the travel ban that was narrowly upheld by the Supreme Court in June. "As the Supreme Court affirmed this summer, Congress has given the President broad authority to limit or even stop the entry of aliens into this country," DHS spokeswoman Katie Waldman and Justice spokesman Steven Stafford said in the statement.

[Breitbart](#) [11/20/2018 11:49 AM, Neil Munro, 2405K] reports the Departments of Justice and Homeland Security are promising to appeal President Donald Trump's asylum reform. "Our asylum system is broken, and it is being abused by tens of thousands of meritless claims every year," said the joint statement by DHS spokeswoman Katie Waldman and DOJ spokesman Steven Stafford: "As the Supreme Court affirmed this summer, Congress has given the President broad authority to limit or even stop the entry of aliens into this country. Further, asylum is a discretionary benefit given by the Executive Branch only when legal conditions are met and a favorable exercise of discretion is warranted. It is lawful and appropriate that this discretionary benefit not be given to those who violate a lawful and tailored presidential proclamation aimed at controlling immigration in the national interest. It is absurd that a set of advocacy groups can be found to have standing to sue to stop the entire federal government from acting so that illegal aliens can receive a government benefit to which they are not entitled. We look forward to continuing to defend the Executive Branch's legitimate and well-reasoned exercise of its authority to address the crisis at our southern border." The appeal will likely be decided at the Supreme Court.

Additional reporting:

[New York Times](#) [11/20/2018 10:25 AM, Miriam Jordan, 22322K]

[Washington Post](#) [11/20/2018 10:25 AM, Greg Sargent, 11653K]

[Reuters](#) [11/20/2018 2:58 PM, Alison Frankel, 4724K]

[Associated Press](#) [11/20/2018 10:37 AM, Nomaan Merchant]

[Politico](#) [11/20/2018 2:26 PM, Ian Kullgren]

[Bloomberg](#) [11/20/2018 5:32 AM, Kartikay Mehrotra]

[Los Angeles Times](#) [11/20/2018 9:55 AM, Scott Martelle, 3575K]

[San Francisco Chronicle](#) [11/20/2018 7:06 PM, Bob Egelko, CA]

### **Trump Takes Aim at Appeals Court, Calling It a 'Disgrace'**

[New York Times](#) [11/21/2018 12:04 AM, Adam Liptak, 22322K] reports President Trump lashed out on Tuesday against the United States Court of Appeals for the Ninth Circuit, based in San Francisco, calling it a lawless disgrace and threatening unspecified retaliation. "That's not law," he said of the court's rulings. "Every case that gets filed in the Ninth Circuit we get beaten." "It's a disgrace," Mr. Trump said. Mr. Trump's remarks came after a federal trial judge ordered the administration to resume accepting asylum claims from migrants no matter where or how they entered the United States. The ruling was issued by Judge Jon S. Tigar, of the United States District Court in San Francisco, and not by the Ninth Circuit itself, which hears appeals from that court and others in nine western states. Mr. Trump vowed to win the asylum case in the Supreme Court.

[CNN](#) [11/20/2018 7:58 PM, Maegan Vazquez, Geneva Sands and Rosalina Nieves] reports Homeland Security Secretary Kirstjen Nielsen said Tuesday that the Trump administration plans to comply with and appeal a federal judge's recent decision to temporarily block the



government from denying asylum to those who cross the southern border between ports of entry. "We will follow all laws and judicial rulings, but we will also be appealing it as quickly as possible. I have no doubt that we will be successful," Nielsen said during a news conference on the U.S.-Mexico border in California. Nielsen called the decision by San Francisco-based federal District Judge Jon S. Tigar to block the administration's policy "a dangerous ruling." "I am deeply disappointed and troubled by the 9th Circuit ruling yesterday. As we have seen time and time again, these open-border advocacy groups venue here in the 9th Circuit, and obtain temporary injunctions that are far outside the judicial mainstream," Nielsen said, referring to the area where the district court that made the ruling is located. "Let me be clear: This court, from a chamber in San Francisco, has replaced the President's judgment with regard to the fully delegated authority to determine what is a true national security threat to our nation's sovereignty. This is a dangerous ruling and, given last year's Supreme Court ruling on this issue, will undoubtedly be overturned," she continued.

[The Daily Caller](#) [11/20/2018 7:21 PM, Mike Brest, 909K, DC] reports White House press secretary Sarah Huckabee Sanders issued a scathing statement on Tuesday afternoon about the California federal judge's ruling blocking President Donald Trump's new asylum rule. Trump issued an order on November 9 denying asylum for all foreign nationals who enter the country illegally for a 90-day period. The ACLU challenged the proclamation in court, arguing it violates the Immigration and Nationality Act and the Administrative Procedure Act. U.S. District Court Judge Jon Tigar issued a temporary restraining order saying that Congress extended asylum eligibility to all comers, and the president cannot impose contrary terms. The Department of Justice and Department of Homeland Security issued a joint statement condemning the judge's decision as well.

Additional reporting:

[Reuters](#) [11/20/2018 11:16 AM, Dan Levine, 4724K]

[CNN](#) [11/19/2018 5:02 PM, Jeremy Diamond and Ariane de Vogue]

[The Hill](#) [11/20/2018 8:57 PM, Brett Samuels, 2630K]

[The Hill](#) [11/20/2018 5:00 PM, Brett Samuels, 2630K]

[Townhall](#) [11/20/2018 7:22 PM, Katie Pavlich, 55864K]

[ABA Journal](#) [11/20/2018 9:35 AM, Debra Cassens Weiss, 43K]

[The Daily Caller](#) [11/20/2018 7:41 PM, Kevin Daley, 909K, DC]

### **Court ruling undercuts Homeland Security chief's warning to migrants at U.S.-Mexico border**

[AZ Central](#) [11/20/2018 10:03 PM, Rafael Carranza, 669K, AZ] reports embattled U.S. Homeland Security Secretary Kirstjen Nielsen repeatedly warned thousands of mostly Central American migrants traveling in a caravan to Tijuana against entering the U.S. illegally, threatening them with prosecution and deportation. Her warning Tuesday carried less weight after a ruling Monday from the 9th U.S. Circuit Court of Appeals. That decision temporarily blocked President Donald Trump from limiting the migrants' right to seek asylum if they enter the country outside designated ports of entry. "Let me be clear, this court from a chamber in San Francisco has replaced the president's judgment with regards to the fully delegated authority to determine what is a true national security threat to our nation's sovereignty," Nielsen told reporters. "This is a dangerous ruling, and given last year's Supreme Court ruling on this issue, will undoubtedly be overturned." Nielsen said the Trump administration will abide by Monday's ruling, throwing a wrench into their enforcement crackdown in Southern California, as thousands of migrants remain in limbo in Tijuana,

while thousands more continue making their way to that border community. "We will follow all laws and judicial rulings," Nielsen said. "But we will also be appealing it as quickly as possible. I have no doubt that we will be successful."

Reported similarly: [Washington Times](#) [11/20/2018 8:04 PM, Stephen Dinan, 547K, DC]

### **Children trying to enter the U.S. legally to seek asylum are being turned away**

[VOX](#) [11/20/2018 3:50 PM, Dara Lind, 3169K, DC] reports children and teens traveling without their parents are being blocked by Mexican officials from crossing into the U.S. to seek asylum at the biggest port of entry along the U.S.-Mexico border, according to advocates and lawyers. Representatives of the Tijuana/San Diego immigration services nonprofit Al Otro Lado have witnessed Mexican officials preventing unaccompanied children and teens from getting into the line to seek asylum in the U.S. at the San Ysidro Port of Entry since November 1. Under President Donald Trump's asylum ban, which was in effect from November 10 until Monday, presenting at a port of entry was the only way for anyone coming from Mexico – including children – to actually be eligible for asylum in the U.S. But these new allegations mean that the asylum ban effectively prevented unaccompanied children from getting asylum in the U.S. at all.

### **Send judges, not troops, to the border**

[Washington Post](#) [11/20/2018 6:51 PM, Editorial Board, 11653K] reports with midterm elections behind him, President Trump has dropped his dark warnings of an "invasion" of undocumented migrant caravans, even as thousands of those migrants arrive at the border. For the president, the migrants, many of them desperate women and children fleeing violence in Honduras, were a convenient electoral foil. The nearly 6,000 U.S. troops he sent to "guard" the border against the caravans were props in his political theater. Mr. Trump has moved on, but the thousands of soldiers deployed at his command to repel the phony invasion will now spend Thanksgiving at the border without their families. Notwithstanding Mr. Trump's incendiary rhetoric, the problem of migrants is real. A rational response would be to add to the 350 or so immigration judges, who cannot handle the tens of thousands of asylum claims flooding the immigration courts annually. The administration this year hired a few dozen judges, a fraction of what is required. As the caseload has more than quadrupled since 2006, the number of judges has not even doubled, according to congressional testimony in April by Judge A. Ashley Tabaddor, president of the National Association of Immigration Judges. Despite that, Mr. Trump has sneered at the idea of hiring more, even after aides pressed him to do so. "Who are these people?" he raged, before suggesting darkly that adding many new judges would somehow corrupt the system. "Now can you imagine the graft that must take place?" he asked. Granted, new hiring can be challenging, in vetting and cost. But any major challenge involves scaling up resources and personnel, and it's hard to see why that's beyond the government's capabilities.

## **Policy and Legislative News**

### **DHS secretary sets 'record straight' on migrant caravan during San Diego visit**

[San Diego Union-Tribune](#) [11/20/2018 7:05 PM, David Hernandez and Kristina Davis, 291K, CA] reports standing on a beach near the concertina wire-topped fence that divides the U.S. and Mexico, Department of Homeland Security Secretary Kristjen Nielsen on Tuesday fought back against assertions that Central American migrants bound for the United States

as part of a caravan were docile women and children fleeing violence. Instead, saying she wanted to "set the record straight," she said most of the thousands of caravan members are adult or teenage males leaving behind their home countries for economic reasons or to be reunited with family members already living here. "Wanting a job is not a basis for asylum under U.S. law," Nielsen told reporters at Border Field State Park in Imperial Beach. "Wanting to be reunited with your family is not a basis for asylum under U.S. law. Wanting to live in the U.S. – not a basis for asylum under U.S. law." She also said more than 500 criminals including documented gang members have been identified among the caravan. "Let me be clear," she added, "The caravan does not give one a special right to enter this country. Members of the caravan will wait in the back of the line of those already waiting to be processed at our ports of entry." Nielsen said that based on "historic trends, intel and open-source reporting," officials anticipate that most caravan members will make "frivolous or unsubstantiated claims of asylum." She said only 9 percent of migrants from the Northern Triangle of Central America – Guatemala, Honduras and El Salvador – were determined to be eligible for asylum by a federal immigration judge in 2017.

[FOX 5 San Diego](#) [11/20/2018 2:09 PM, Staff, 83K, CA] reports U.S. Department of Homeland Security Secretary Kirstjen Nielsen visited Border Field State Park Tuesday to view reinforcements added along the Mexican border in anticipation of a caravan of Central American migrants, saying her agency will do what it takes to prevent illegal crossings. During her visit Tuesday, Nielsen echoed President Donald Trump's disagreement with reports that the migrants in and traveling to Tijuana have legitimate asylum claims and are mostly women. She said at least 500 of the migrants heading for the border are known criminals, although she did not say how she arrived at that figure. "This administration will not tolerate frivolous asylum claims or illegal entry," she said. "If you try to enter our country without authorization, you have broken the law of the United States, you will be detained, prosecuted and repatriated. The DHS and the administration will continue to take all possible actions to stop the caravan from entering the United States illegally, without just cause and to ensure our borders are secure." [Editorial note: consult source link for video]

The [Washington Times](#) [11/20/2018 1:12 PM, Stephen Dinan, 547K, DC] reports the Trump administration says it has no timetable for the 5,900 troops at the border to be withdrawn, undercutting a general who said Monday that he was beginning to draw down troops this week and expected all of them would be home by mid-December. Homeland Security Secretary Kirstjen Nielsen, standing at the border in San Diego, said she has spoken with Defense Secretary James Mattis and said the military will remain involved as long as needed to deal with the problem, which includes thousands of migrants from the illegal immigrant caravan camped in Tijuana, eyeing the U.S. side. "I have no doubt that DOD will continue to be our partners in this mission until it is resolved," she said.

Additional reporting:

[WXXI AM](#) [11/20/2018 8:39 PM, Richard Gonzales, 2K, NY]

[Raw Story](#) [11/20/2018 11:55 PM, Sarah K. Burris, 689K, DC]

### **U.S. to Shift Some Troops, but Border Mission Will Last Until Dec. 15**

[Wall Street Journal](#) [11/20/2018 4:27 PM, Gordon Lubold] reports that some of the thousands of U.S. troops ordered to the Mexican border last month could begin returning to their home bases in coming days as military officials rotate units to address shifting requirements, officials said Tuesday. The changes would not reflect a move by the Pentagon to wind down the deployment, which is scheduled to last until Dec. 15, officials

said. "It's just a reallocation, it's not a drawdown," said one military official at the Pentagon. For example, troops who conduct logistics and engineering work, such as carrying and installing concertina wire for security purposes, could be replaced by other kinds of troops who provide medical support, an official said. Still, as a result of the rotations, some small number of troops may return home and not be replaced, as their skills are no longer needed, another official said.

Reported similarly:

[ABC News](#) [11/20/2018 10:46 AM, Luis Martinez, 2704K]

[Military.com](#) [11/20/2018 7:00 AM, Richard Sisk, 330K]

[San Antonio Express-News](#) [11/20/2018 12:59 PM, Sig Christenson, 144K, TX]

[KTXS-TV](#) [11/20/2018 6:44 PM, Leandra Bernstein, 26K, TX]

[Independent](#) [11/20/2018 3:57 PM, Chris Riotta, 273889K, UK]

### **Most Members Of The Migrant Caravan Haven't Come Close To A U.S. Soldier**

[BuzzFeed](#) [11/20/2018 2:19 PM, Adolfo Flores, 8149K] reports despite the deployment of almost 6,000 active-duty troops to the border with Mexico to stop the migrant caravan, the hundreds of Central Americans who've already arrived in Tijuana have been hard pressed to spot them. The closest that the caravan has come to a soldier are the usually two to four members of the US Army installing razor wire on the border fence that ends at the Pacific Ocean. It doesn't help that the majority of the active-duty troops were not sent to the border between California and Mexico, where the caravan is heading. About 2,800 soldiers are in Texas, 1,500 are in Arizona, and another 1,300 are in California. Since the soldiers are barred from enforcing immigration law and aren't allowed to detain or arrest anybody at the border, the likelihood of them interacting with migrants is very low. That's true even now, as word seeps out that the Pentagon has decided to move troops from Arizona and Texas to California. "We may shift some forces to other areas of the border to engineering support missions in California and other areas. No specific timeline for redeployment has been determined. We will provide more details as they become available."

### **Rock thrower who nearly hit top U.S. border official remains at-large**

[Washington Examiner](#) [11/20/2018 10:12 AM, Anna Giaritelli, 567K, DC] reports that the person who threw a large rock at Kevin McAleenan, the top U.S. border official, during a tour of Border Patrol's San Diego Sector last week remains at-large five days after the incident, according to officials at the Homeland Security Department. The department, as well as its U.S. Customs and Border Protection and U.S. Border Patrol components, have "no information on the individual on the south side" who threw the rock, a DHS official said Monday.

### **DHS Warns Migrant Caravan Includes Over 500 Criminals, As Anti-Caravan Protests In Mexico Escalate**

[Daily Wire](#) [11/20/2018 11:30 AM, James Barrett, CA] reports the migrant caravan that is amassing at the San Diego border contains over 500 criminals, the Department of Homeland Security warned Monday. Contrary to reports by the media and immigrant activists, DHS officials said, the vast majority of the migrants are men, not women and children. The reports come amid growing tension between residents of Tijuana and the increasing number of migrants that officials say may be there for months. DHS officials made the claims during a conference call with reporters Monday afternoon reported by Fox News, which notes that officials said "most" of the estimated 6,000 members of the caravan

gathered at the border are young men. To garner public sympathy, DHS officials said, migrant activists have tried to push the women and children to the front for the cameras. Among the 6,000 migrants are more than 500 known criminals, officials said. While most of the migrants are seeking asylum, some have already attempted to force their way in, Homeland Security Secretary Kirstjen Nielsen said Monday. "Unfortunately, some members of the caravan are purposely causing disruptions at our border ports of entry," Homeland Security Secretary Kirstjen Nielsen wrote Monday. "There is a legal and illegal way to enter the U.S. We have deployed additional forces to protect our border."

[Washington Examiner](#) [11/21/2018 12:00 AM, Nicholas Ballasy, DC] reports Mexico's ambassador to Washington has said that "there are people that have criminal backgrounds" in the migrant caravan, lending weight to President Trump's assertion that it presents a threat to the United States. Geronimo Gutierrez told the Washington Examiner that while there were criminal elements in the caravan, he could not put a number on how many there might be. A Department of Homeland Security official reportedly said on Monday the department estimates that there are more than 500 criminals traveling in the caravan heading toward the U.S. The Washington Examiner asked Gutierrez if that number was consistent with his information. He responded: "What I can tell you is that we, you know, work together very closely with the United States through different mechanisms to look at people that are moving through our region and I think that's positive because it allows us to identify individuals that might have a criminal background."

Additional reporting: [Newsweek](#) [11/20/2018 7:12 AM, Chantal Da Silva, 1720K]

### **Trump administration paying undercover informants in migrant caravan: report**

[The Hill](#) [11/20/2018 1:32 PM, Michael Burke] reports the Trump administration has been paying undercover informants in the migrant caravan moving toward the U.S. border in an effort to gather intelligence, NBC News reported Tuesday, citing two Department of Homeland Security (DHS) officials. DHS has also been monitoring text messages between members of the caravan that have been sent using the communications app WhatsApp, according to NBC News. The migrants, who are fleeing violence from their home countries in Central America, are currently moving through Mexico and toward the southern U.S. border. DHS spokeswoman Katie Waldman, in a statement to The Hill, declined to comment on the "sources or methods" that DHS uses to gather intelligence on the migrants. But she added that it would be "malpractice for the United States to be ignorant about the migrants." "We have an obligation to ensure we know who is crossing our borders to protect against threats to the Homeland and any indication to the contrary is misinformed," she added.

Reported similarly:

[NBC News](#) [11/20/2018 11:59 AM, Julia Ainsley]

[Newsweek](#) [11/20/2018 5:14 PM, James Laporta]

[Newsmax](#) [11/20/2018 4:06 PM, Theodore Bunker, FL]

### **Caravan spotlights immigration tensions in Mexico**

[The Hill](#) [11/21/2018 6:00 AM, Rafael Bernal] reports members of the Central American migrant caravan who reached the U.S.-Mexico border found a hot-and-cold reception in the Mexican city of Tijuana, stoking fears that tensions over regional migration could erupt into violence. A protest by caravan members Friday ended in a street brawl against 300 local residents who were demonstrating against their presence at Tijuana's beachfront park,



Playas de Tijuana. After the brawl was quelled by authorities, the migrants were taken to shelters in a different part of town. Mexican ambassador to the United States Geronimo Gutierrez said "the situation in Tijuana related to the caravan is a wake-up call for the entire region — Mexico, Central America and the United States." "It forces us to think on how to better cooperate, in spite of the issue's difficulties, to achieve better management of migration at a regional scale," Gutierrez told reporters Monday night.

### **Honduran denies he's the force behind caravan, says migrants just want jobs and freedom from violence**

[Dallas Morning News](#) [11/20/2018 6:16 PM, Alfredo Corchado, 661K, TX] reports he's been accused of attacking the U.S. by orchestrating a massive immigrant caravan headed for the southwest border to seek asylum in what President Donald Trump has called an "invasion." To many of the migrants who joined the massive caravan, Bartolo Antonio Fuentes is a leader who guided them out of their country in search of opportunity and away from violence and poverty. In a recent interview in Mexico City, Fuentes, a former left-leaning Honduran legislator and radio host, denied both descriptions of himself. He says he's simply a reflection of his countrymen, who are fed up with economic crisis and a corrupt and indifferent government.

### **With troops soon pulling back from the border, Trump's late-campaign ploys have dried up**

[Washington Post](#) [11/20/2018 9:22 AM, Philip Bump, 11653K] reports that one contender for the most obvious example of Trump trying to leverage the presidency to benefit his party is the deployment of the military to the border with Mexico to defend against a caravan of migrants headed north from Central America. There were just a few problems with that deployment. First, the troops arrived at the border weeks before any migrants from the caravans did. Second, there was never any serious suggestion that the migrants posed a real threat to the United States, with their plan apparently being to seek asylum upon arriving. A previous caravan had arrived at the border near Tijuana and its members waited to present themselves to authorities at the San Ysidro border crossing. As migrants began arriving at the border in recent days – well after the election – that's also where they arrived. Hundreds of miles from the bulk of the troops, most of whom were deployed to Texas and Arizona. It's not clear how many members of the military might have seen any members of a migrant caravan.

### **Anti-immigrant activists in Tijuana hijack Trump's rhetoric**

[Politico](#) [11/20/2018 3:31 PM, Jesus Rodriguez] reports that a few hundred self-avowed nationalists waving flags at a demonstration. A public official donning the signature red hat with white embroidered letters. An activist going on Fox News to warn of an "invasion." This isn't Trump country. It's Tijuana, Mexico, where more than 6,000 asylum-seekers who have been traveling in a caravan from Central America for over a month are arriving as they prepare to formally request asylum at the border. Tensions have been running high in the border town of about one million across from San Diego, Calif., since the arrival of the migrants, most of whom are fleeing broken governments rife with corruption and violence. Anti-immigrant activists in Tijuana have hijacked the rhetoric of President Donald Trump to agitate against the caravan members, who are staying in temporary refugee shelters set up by local authorities.

## **The desperation of Central American asylum-seekers place them in a world beyond politics**

[ThinkProgress](#) [11/20/2018 2:04 PM, Sam Fulwood III, 480K] reports two days before I arrived in Mexico's capital city last week, the outdoor temperature suddenly plunged and the skies poured a chilling rain. Typically, with the wet season in this part of the country having passed, these climes produce dry, warm days that are welcoming to tourists and visitors. Not so for the 3,000 to 4,000 Central American migrants who had already arrived and been brought to a soccer stadium by municipal officials and human rights aide workers, who greeted them with temporary shelter, warm meals, medical care and – most welcome of all – a change of clean clothing. Despite the outpouring of kindness from strangers, the harsh weather provided its own cruel metaphor for the unexpected hardships that stood between the caravan of migrants and their prayed-for asylum in the United States. Rita Robles, the Mexico City liaison for policy and advocacy at the Fray Matias Human Rights Center, told ThinkProgress that the rain nearly ruined her and fellow aide workers' plans to assist the migrants. Indeed, accommodating the migrants' passage through Mexico is an organizational and logistical challenge, dwarfed only by the rigors of the journey itself.

## **Immigrants arrive with significant 'mental health' issues**

[Washington Examiner](#) [11/20/2018 11:48 AM, Paul Bedard, DC] reports that new legal and illegal immigrants to the United States are arriving with "post-migration stress," according to several new public health studies just released. Meanwhile others already in the United States have told researchers that President Trump's election and focus on stopping illegal immigration have scared them away from going to authorities for welfare and mental health help. Harvard's "Journalist Resource" reviewed several new studies on immigrants presented at a public health conference this month, and most find that incoming immigrants and those already in the United States suffer from immigration-related mental health problems. "We don't always acknowledge the sacrifices that migrants take in leaving their homelands — how they risk so much in terms of safety and stability and opportunity," Cindy Sangalang, an assistant professor of social work at California State University, told JR. "Going on this journey can be at a cost to their mental health, and these things can potentially worsen as other stressors increase once they're here in the United States," she added.

## **U.S. and its moral obligation to those at the border**

[The Hill](#) [11/20/2018 9:00 AM, Anne Gordon, 55864K] reports more than 1,500 men, women and children from the migrant caravan have arrived at the U.S.-Mexico border; half are girls and women. While they wait at the border considering their options, perhaps it is time to consider ours. Many migrant women have been victims of sexual and physical abuse and many more are victims of abuse along the way – even the Trump administration has said that as many as 80 percent of women are raped on journeys north from Central America. Some are pushing baby strollers or carrying infants on their backs. If they make it to the U.S., even if they claim asylum, their suffering does not end. I'm a lawyer and this summer I went to the South Texas Family Residential Center, about 80 miles from the Mexico border, to help women with their asylum claims and to bear witness to the human cost of our border policies. There, inside the jail, clients told me how they were locked up, sometimes still wet from a river crossing, in chain-link-fence cages called "La perrera," or in "La hielera," a freezing concrete room. One of my clients, a 16-year-old girl, was not allowed to hug her 9-year old sister, because kids were not allowed to touch each other in the cages. This summer many moms were told they'd never see their kids again. Some were compelled to

sign documents in a language they didn't understand, unknowingly waiving their right or their children's right to claim asylum.

### **Congress Must Fix Enforcement of U.S. Immigration Laws**

[CNS News](#) [11/20/2018 4:29 PM, David Inserra] reports with just a month and a half remaining in the 115th Congress, members face a number of issues that require action. Immigration policy is one of those areas that will likely be a focal point of congressional debate and jockeying. President Donald Trump is demanding funds for a border wall, and while congressional leaders have promised there will not be a government shutdown over such funding, the president has not taken this off the table. But lawmakers should step back and consider this question: What is the most important, meaningful action they can take on immigration policy before passing the baton to a politically divided 116th Congress? The answer is quite simple: Fix the enforcement of U.S. immigration laws.

Border security is an important part of this, but the biggest problem the U.S. faces at the border isn't catching illegal immigrants — it's repatriating them. Of all non-Mexican family units and children that were caught at the U.S. border in fiscal year 2017, less than 2 percent have been removed from the U.S. And the number of those staying here is only increasing due to loopholes in our laws and a weak asylum system. Well-meaning laws like the Trafficking Victims Protection Reauthorization Act and court cases such as the Flores Settlement Agreement have limited our ability to detain and quickly remove unaccompanied alien children and those families with children — especially when they have claimed asylum. Those cases have to be adjudicated in court. Today, our immigration court system is completely overwhelmed. It now takes an average of nearly two years to receive an immigration court hearing, whereas a decade ago the average wait time was just over a year.

### **Homan: 'Liberal 9th Circuit Judge' Trying to Stop Trump From Protecting Border**

[FOX News](#) [11/20/2018 1:22 PM, Staff] reports that former Acting ICE Director Tom Homan said Tuesday that a "liberal" San Francisco federal judge is the latest to attempt to stop President Trump from protecting the southern border. Trump issued a proclamation on Nov. 9 that said migrants who cross would be ineligible for asylum, but that was thrown out Monday by Ninth Circuit Judge Jon S. Tigar, who was appointed by President Obama in 2012. The temporary restraining order was issued by Tigar after the president responded to the caravan of Central American migrants set to arrive and claim asylum at the U.S.-Mexico border. Reacting on "Outnumbered Overtime," Homan said the court battle is similar to the one that played out after Trump issued a travel ban that was ultimately affirmed by the Supreme Court. "Everything [Trump] is doing operationally to protect this country is being met with lawsuits. ... Some liberal judge in the 9th Circuit is trying to stop this president from protecting our borders," said Homan, adding that many of the asylum-seekers know the "magic words" that will allow them to enter the United States and go through legal proceedings. He said asylum claims are up 3,000 percent in the past decade, with many of the migrants expressing their desire to get a job in the United States to provide for their family. Homan said that does not qualify under U.S. law for asylum, but many of the migrants will be allowed to enter anyway. [Editorial note: consult source link for video]

### **Former Acting ICE Director Tom Homan: 'Seeking A Better Life Does Not Qualify For Asylum'**

[The Daily Caller](#) [11/20/2018 11:06 PM, Mike Brest, 909K, DC] reports former acting ICE Director Thomas Homan discussed the incoming caravans and what qualifies for an asylum claim on Tuesday during a discussion with Mark Steyn on "Tucker Carlson Tonight." "We are the most welcoming country in this world. We welcome more refugees in the United States than every other country in the world combined. So, enough. You can't want to be part of the greatest country on Earth and not respect our laws," Homan began. "Seeking a better life does not qualify for asylum, so they are committing fraud. So that is a stone cold fact. What's going on at the border, look, this president has gotten our nation ready, he's got additional CBP officers down there, he's got DoD down there, building extra infrastructure, they are building facilities to detain people, which is a secret." "What this president needs to do, which hasn't happened in the past, if they get to the United States and enter, they need to be detained until they see a judge because the Central American population is right around 89 to 91 percent would lose their case because they don't qualify for asylum," he continued. "But they have to be in custody when they lose their case so they can be removed, which sends a strong message to the rest of the world that we are a nation of laws. We will give you due process but you have to live by the judge's decision, also." [Editorial note: consult source link for video]

### **CNN's Toobin on asylum vs. economic immigration: You can't come to the U.S. 'just because you want a better life'**

[The Hill](#) [11/20/2018 11:26 AM, Joe Concha, 2630K] reports CNN's Jeffery Toobin on Tuesday noted that "asylum is different from economic migrants" while commenting on the escalating migrant caravan situation on the U.S. southern border in Tijuana, Mexico. The CNN senior legal analyst said that immigrants seeking asylum are "different from economic immigrants" adding that "you are not allowed to come to this country just because you want a better life." He noted that asylum is for people who have legitimate fears of persecution in their home countries. Toobin's commentary came after a federal judge late Monday blocked the Trump administration from denying asylum to migrants who enter the U.S. illegally. Attorney General Matthew Whitaker and Homeland Security Secretary argued in a joint statement on Nov. 8 that the asylum system was being overwhelmed. "Our asylum system is overwhelmed with too many meritless asylum claims from aliens who place a tremendous burden on our resources, preventing us from being able to expeditiously grant asylum to those who truly deserve it," said Whitaker and Nielsen. Toobin pushed back on the "overwhelming" claim. "The numbers are not that different from what they have been," Toobin replied. "The numbers of people who are being admitted into this country are not that different. So, I don't think the system is necessarily overwhelmed."

### **America Is Ignoring A Huge Part Of Trump's Crackdown On Immigrants**

[Huffington Post](#) [11/21/2018 5:45 AM, Melissa Hung] reports President Donald Trump's demonization of Central American migrants took center stage ahead of the midterm elections. Meanwhile, the U.S. government's hard-line immigration policies continued to affect a diverse range of people, including Asian-Americans, who are often left out of the discussion. Many who are targeted for deportation "came here as refugees," said Katrina Dizon Mariategue, the director of national policy at the Southeast Asia Resource Action Center. "They're legal permanent residents. They're not undocumented. They're being deported for old convictions. That's why they're more invisible when we're talking about immigration issues." In October 2017, ICE carried out the biggest raid ever on Cambodian-American communities, advocates say, rounding up more than 100 people nationwide over the course of two weeks. A few weeks later, ICE targeted Vietnamese refugees. Although a

signed agreement between the U.S. and Vietnam restricts who can be deported — only those who arrived in the U.S. on or after July 12, 1995, the day after the normalization of relations between the two countries — about a dozen Vietnamese refugees who arrived before 1995 were deported last year, according to Mariategue.

### **House Democrats demand information on Trump's zero-tolerance border policy**

[Washington Examiner](#) [11/20/2018 2:55 PM, Anna Giaritelli, DC] reports that Democrats on the House Judiciary Committee asked the Trump administration on Tuesday to answer dozens of questions about its immigration policies and practices, an indication the soon-to-be ranking party is already getting started in its oversight duties. House Judiciary Ranking Member Jerrold Nadler, a New Yorker, sent the department heads of Justice, Homeland Security, and Health and Human Services letters Tuesday asking them to provide context for 15 incidents that have taken place since Trump became president 22 months ago. "In the next Congress, the Committee will examine the Administration's immigration and detention policies and the longstanding damage these policies may have had on families and children in your custody," the letter said. "To this end, I ask that you provide a complete response to each of the letters on these subjects sent to you by some or all of the Members of the House Judiciary Committee." Among the items the lawmakers want to know more about are the DNA testing HHS did to ensure children were related to the adults they arrived at the border during the zero-tolerance policy implementation early this summer, the number of children who were separated from their parents later in the summer after being apprehended following unlawful entry, and how the administration is reuniting families.

### **Ex-ICE Boss: Kamala Harris Should Apologize**

[Sean Hannity](#) [11/20/2018 12:05 PM, Staff] reports former ICE Director Tom Homan stopped by 'Hannity' Monday night to weigh-in on Sen. Kamala Harris' recent comments comparing federal immigration agents to the KKK; saying she should be "ashamed" for her "disgusting" remarks. "First of all, what Kamala Harris did was disgusting. She compared the 20,000 men and women of ICE, the same men and women that strap a gun to their hip and defend this nation; to compare them to such a hate group is just disgusting," said Homan. "For her, as a U.S. Senator, to make that comparison ... she failed the American people. ICE is enforcing the law that Congress enacted. They're not making this up. Shame on her," he added. [Editorial note: consult source link for video]

The [Independent Journal Review](#) [11/20/2018 10:53 AM, Madison Dibble, 91K] reports that during a hearing with the current acting director of ICE, Ronald Vitiello, Sen. Harris alluded that the KKK and ICE use the same tactics to terrorize families. At one point, she even tried to get Vitiello to admit that ICE is perceived the same way as the KKK. Vitiello held his own, but many were outraged by Harris' line of questioning.

### **Immigration hawks fear DOJ staff exodus**

[Politico](#) [11/20/2018 9:58 AM, Gabby Orr, 2709K] reports that the Justice Department is facing a likely senior staff exodus once President Donald Trump taps a permanent replacement for ousted Attorney General Jeff Sessions, creating a leadership vacuum that has troubled hard-line immigration activists. According to more than a half-dozen former and current administration officials, at least four top officials — mostly Sessions loyalists — have either quit or are eyeing the exit as they await Trump's decision on who will succeed their former boss, who implemented and vigorously defended even Trump's most controversial immigration policies. Among those leaving are Danielle Cutrona, a senior



counsel to Sessions who had been with him since his Senate days. Rachael Tucker, a senior counselor to the attorney general, could also exit "in the next couple of months," citing her fidelity to Sessions, or possibly take another job within the agency, said two sources close to the situation. Acting Assistant Attorney General Jeff Wood, another former Sessions Senate staffer, may also soon make an exit, according to one senior administration official. And while the White House could find another strident immigration hawk to lead DOJ and name ideologically similar aides, several of the names being floated for attorney general – such as former New Jersey Gov. Chris Christie and George H.W. Bush-era Attorney General Bill Barr – represent a more GOP establishment line on the subject. It's a situation that conservatives who support reduced immigration have long feared.

A DOJ leadership void could leave DHS to take up the immigration mantle, a prospect that worries advocates of stricter border laws, many of whom have been disappointed in current DHS chief Kirstjen Nielsen's performance. While DHS has the power to enforce immigration policies – a topic Trump recently claimed Nielsen could be "much tougher" on – DOJ is the agency that can set uncompromising rules. And DHS may soon be poised to get a more pugnacious leader on the subject, increasing the chance that the agency asserts itself more on topics like border crossings. Trump is considering replacing Nielsen with Thomas Homan, a tough-talking lawman who once recommended charging so-called sanctuary-city politicians "with crimes."

### **Immigration policies, deportation threats keep kids out of school, report states**

[NBC News](#) [11/20/2018 7:46 PM, Nicole Acevedo, 3539K] reports current immigration policies and fears of deportation are keeping U.S. children out of school. Authors of UNESCO's new Global Education Monitoring report, Building Bridges, Not Walls studied how the way different countries implement education and immigration policies can either promote or learning environments for immigrant children, migrants or refugees. Experts found that in the United States, deportation fears are having an impact on school attendance, whether students are afraid of their own deportation or of a loved one's. The fear is exacerbated if schools allow Immigration and Customs Enforcement agents to search the facilities or collect immigration information from students. Currently, seven percent of U.S. children are born to parents who lack legal immigration status. Las Cruces, New Mexico's school district saw a 60 percent spike in absenteeism after an immigration raid shook the community in February of last year. They stopped collecting information regarding the immigration status of its students and started rejecting requests from ICE agents to access school grounds without judicial warrants.

### **The Price Tag of Migrant Family Separation: \$80 million and Rising**

[New York Times](#) [11/20/2018 11:45 PM, Caitlin Dickerson, 22322K] reports the federal government has spent \$80 million dollars to care for and reunite migrant children who were separated from their parents by immigration authorities, a figure that continues to grow months after the policy ended because more than 140 children are still in custody. The first official price tag on family separations – which ended abruptly in June in the face of widespread public opposition – comes to about \$30,000 per child. That data, along with new details on the children who remain mired in the policy's lingering effects, were handed over last week by the Health and Human Services Department to members of Congress, who shared the report with The New York Times.

## **On World Children's Day, Amnesty Calls Out Trump for 'Abhorrent' Detention of Refugee Kids and Families**

[Common Dreams](#) [11/20/2018 10:43 AM, Jessica Corbett, 226K, ME] reports that on the heels of a federal court ruling on Monday that found President Donald Trump's restrictions on asylum claims unlawful, Amnesty International USA marked World Children's Day with a demand that the administration immediately stop detaining migrant children. After worldwide outrage over Trump's policy that forcibly separated thousands of children from their parents—many of whom came to the United States seeking asylum—led to its repeal and a court mandated the reunification of families, the administration opted to detain families together despite warnings of the impact on kids. "What the U.S. government is doing is abhorrent," Amnesty International USA executive director Margaret Huang declared in a statement Tuesday. The administration, she noted, "could release these families while they pursue their asylum claims." "All children deserve to be safe and protected, to live with their parents and their families, and to have their voices heard," Huang added. "Instead, this World Children's Day, children are locked up behind bars in the United States with their families, indefinitely, in fear of what will happen to them next." Specifically, Amnesty—along with American Immigration Council, American Immigration Lawyers Association, and the Dilley Pro Bono Project—is calling on U.S. Immigration and Customs Enforcement (ICE) to release the hundreds of families in prolonged detention at the South Texas Family Residential Center in Dilley, Texas. Many of them came to the U.S. fleeing violence in El Salvador, Guatemala, and Honduras.

## **Documentary series to show "unprecedented access" to ICE and Homeland Security**

[The Hill](#) [11/20/2018 10:22 AM, Judy Kurtz, 2630K] reports that the team behind a live reality TV show focused on the U.S.-Mexico border says the new series will have "unprecedented access" from a number of high-profile government agencies. ITK has learned the soon-to-debut Discovery Channel show, "Border Live," has secured filming with the Department of Homeland Security's U.S. Immigration and Customs Enforcement's Homeland Security Investigations, the U.S. Customs and Border Protection, and the Transportation Security Administration. The six-part series, was first announced earlier this month, will feature crews "embedded out in the field with officers and special agents at key border sites from Nogales, Ariz., in the west to the Rio Grande Valley and points east," the network said in a Tuesday news release. "Border Live," hosted by CNN's Bill Weir, is poised to premiere Dec. 5 at 9 p.m. on Discovery.

## **[NC] North Carolina Sheriff Dubs County 'Drug Hub' of Southeast**

[U.S. News & World Report](#) [11/20/2018 3:17 PM, Associated Press] reports that a North Carolina sheriff targeted in a lawsuit seeking to block him from applying to help enforce immigration laws said he wants more officers to stop drug traffic he says is fueled by Mexican cartels. News sources report Alamance County Sheriff Terry Johnson told county commissioners Monday that he needs 18 more officers in next year's budget. In addition to rejoining a program which lets local agencies perform immigration enforcement, Johnson plans to rent county jail space to Immigration and Customs Enforcement to house detainees being deported. The sheriff's office previously had an agreement with ICE. The Justice Department sued Johnson in 2012, saying his office routinely targeted and discriminated against Latinos. A federal judge rejected the lawsuit, but Johnson's office lost funding while it was removed from the program.

Reported similarly: [Herald Sun](#) [11/20/2018 11:35 AM, Matt Goad, NC]

### **[TX] Twenty-Nine Families Ordered Released from Dilley Detention Center**

[Common Dreams](#) [11/20/2018 4:44 PM, Nidya Sarria, 226K] reports in an extraordinary move, 29 families seeking a better life have been ordered released from the South Texas Family Residential Center in the town of Dilley. The releases are especially significant in light of the Trump administration's hostility toward asylum-seekers, including recent moves to bar asylum-seekers from entering the country between ports of entry. "This is a step in the right direction, but we must make sure everyone arriving in the USA is given a fair hearing and humane treatment. Right now, families in a caravan are on their way to seek safety and a better life. They should be met with compassion, not contempt. It is unconscionable to criminalize mothers, fathers, and children who have lost everything. The administration must immediately abandon plans to build more detention centers and tent cities."

Reported similarly:

[Corpus Christi Caller-Times](#) [11/20/2018 5:19 PM, Alexandria Rodriguez, 11K, TX]

### **[WA] Law school suspends program with ICE after student pressure**

[The Hill](#) [11/20/2018 1:39 PM, Owen Daugherty, 2630K] reports the Seattle University School of Law is suspending its externship program with Immigration and Customs Enforcement after pressure from students. The externship allowed law students to get school credit for working in ICE's legal offices. Third-year law student Alex Romero led the charge to suspend the program after seeing representatives from ICE at a school fair this fall. Romero, who wants to be an immigration lawyer, met with school administrators and urged them to end the program, saying that the presence of ICE representatives at the school is counter to the school's mission, according to The Seattle Times.

Reported similarly: [Seattle Times](#) [11/20/2018 10:29 AM, Asia Fields, WA]

## **Legal News**

### **Trump gets rebuked by another federal judge as he tests the limits on immigration law**

[Washington Post](#) [11/20/2018 9:16 AM, James Hohmann, 11653K] reports that the government was forced to turn over documents Monday as part of the discovery process in one of six pending lawsuits against the addition of a citizenship question to the 2020 Census form. One email reveals private discussions among President Trump's appointees at the Justice Department about the possibility of sharing future census information with law enforcement, which could help the government round up undocumented immigrants for deportation. "After a congressional hearing in May about the citizenship question, Rep. Jimmy Gomez (D-Calif.) submitted a written query about whether the Justice Department agreed with a memo it had issued in 2010 saying the USA Patriot Act could not override the confidentiality of the census," Tara Bahrapour reports. "In a June 12 email, department officials discussed among themselves how to answer Gomez's question in a way that left the answer open. Justice Department attorney Ben Aguinaga suggested to acting assistant attorney general John Gore that they not say 'too much' in response to Gomez's question, in case the issue were to 'come up later for renewed debate.'"

The message could emerge as important evidence in a case that's set to go to trial in January. The Justice Department declined to comment last night on the email or whether

census confidentiality is still up for debate. The mere fact these discussions are taking place will have a chilling effect that could scare off many people from filling out the forms. The disclosure of the startling internal email is one of several fresh reminders of just how far Trump is trying to push the envelope on immigration and test the limits of the law, even if it means likely defeat in the courtroom.

**[ME] Gov. LePage denies pardon for Waterville resident deported to Haiti**

[Central Maine](#) [11/20/2018 4:49 PM, Amy Calder, 34K, ME] reports Gov. Paul LePage has denied a request to pardon an underlying trafficking conviction for Waterville resident Lexius Saint Martin, who was deported to Haiti earlier this year in a high-profile and contentious case that separated him from his wife and children. A pardon would not have brought Saint Martin back to the U.S. automatically, but it would have helped pave the way for his attorney, Evan Fisher, to appeal to federal officials in the effort. The Governor's Board of Executive Clemency held a hearing July 19 on the request to pardon the conviction and then made a recommendation to LePage.

**[NY] Queens Immigration Attorney Found Guilty of Operating Asylum Fraud Scheme**

[HS Today](#) [11/21/2018 12:14 AM, Staff, 1K] reports the United States Attorney for the Southern District of New York, announced that Andreea Dumitru, also known as "Andreea Dumitru Parcalaboiu," an immigration attorney based in Queens, New York, was found guilty in Manhattan federal court of asylum fraud, making false statements to immigration authorities, and aggravated identity theft on Nov. 19, 2018, following a two-week trial before United States District Judge Lewis A. Kaplan. Manhattan U.S. Attorney Geoffrey S. Berman said, "Andreea Dumitru, an immigration attorney, scammed the asylum program, which was designed to provide safe harbor for the world's most vulnerable people. She will now serve time in prison for her crimes." According to the superseding indictment, other filings in Manhattan federal court, and the evidence presented at trial, between March 27, 2013, and 2017, Dumitru operated a scheme to submit fraudulent I-589 forms in connection with applications for asylum. Specifically, Dumitru submitted over 100 applications in which she knowingly made false statements and representations about, among other things, the applicants' personal narratives of alleged persecution, criminal histories and travel histories.

**[NJ] Hughes Hubbard Wins Asylum for Nigerian Immigrant**

[Hughes Hubbard & Reed](#) [11/20/2018 3:03 PM, Staff, 2K] reports Hughes Hubbard secured asylum for a pro bono client who had been arrested and detained in New Jersey after fleeing her native Nigeria to escape severe physical and sexual abuse based on her sexual orientation. The client, 35, fled to the United States in May 2018, two months after she was forced to sit on a hot stove at knife-point by her husband, which led to a two-week hospitalization. The abuse began after her husband discovered that she is a lesbian. She could not turn to the police because homosexuality is a crime punishable by a 14-year sentence in Nigeria. Afraid for her life, she escaped the hospital, obtained a visa and flew to New York. She was arrested at JFK International Airport and taken to an immigration detention center in New Jersey. HHR successfully represented her in the Elizabeth Immigration Court in New Jersey, arguing that she deserved asylum because of past and probable future persecution based on her sexual orientation. On Nov. 8, the court granted her asylum and she was released from detention. The government has indicated that it will not appeal the decision.

### **[PA] Seeking Political Asylum, Immigrant Pays Company That Bailed him Out of Prison**

[NBC10 Philadelphia](#) [11/20/2018 4:59 PM, Staff, 71K, PA] reports Alberto Mendoza escaped Honduras for the United States in 2016, seeking political asylum. The 26-year-old living in Philadelphia was arrested by immigration agents and faced a difficult decision: remain jailed for years while awaiting an asylum hearing or be bailed out.

Libre by Nexus, a private company that guarantees bonds to courts on behalf of undocumented immigrants, did just that for Mendoza's \$10,000 bond. He was free to go, with one exception: Mendoza must wear an electronic monitoring device on his ankle. The freedom afforded him by Libre by Nexus came with a high cost. He has been paying \$420 a month to the company to lease that GPS device. He blamed the company for confusing him at the time he signed the deal with Libre by Nexus. The CEO of Nexus, the parent company of Libre, disputed Mendoza's recollection of how the contract for the \$10,000 bond was presented to the Honduran native. [Editorial note: consult source link for video]

### **[MI] Judge says families 'shattered,' wants Iraqi detainees freed**

[Washington Post](#) [11/20/2018 1:54 PM, Associated Press] reports that a Detroit federal judge has ordered the U.S. government to release about 100 Iraqi nationals who are under deportation orders but have been in custody for more than six months. It's the latest ruling from Judge Mark Goldsmith in a dispute that began in 2017 when the government began rounding up Iraqis living in the U.S. with criminal records. Some have been locked up for more than a year while the American Civil Liberties Union fights on their behalf. Goldsmith said Tuesday that "families have been shattered." He says Iraq has told the Trump administration that it only will accept people who are willing to leave the U.S. The judge says "public interest overwhelmingly favors freedom over mass detention."

[Michigan Live](#) [11/20/2018 5:52 PM, Gus Burns, 531K, MI] reports that the court battle stems from a class-action lawsuit filed by the American Civil Liberties Union against ICE Director Rebecca Adducci on behalf of nearly 1,400 Iraqis – including about 300 from Metro Detroit – targeted for deportation during mass immigration sweeps that took place across the nation last year. The majority of those detainees were released on bond, while more than 100 have spent more than a year behind bars due to a reluctance of Iraq to repatriate citizens who do not want to willingly relocate there. Those released will be monitored and required to appear for deportation hearings at a later date. ICE spokesman Khaalid Walls said the agency is considering a possible appeal of Goldsmith's ruling.

[BuzzFeed](#) [11/20/2018 2:54 PM, Hamed Aleaziz, 8149K] reports that ICE officials maintained in court that it was Goldsmith's order that had stopped a repatriation flight when in fact Iraq had refused to accept the flight. At one point, according to the documents filed in court, former ICE director Thomas Homan called the Iraqi ambassador to the U.S., Fareed Yasseen, and implored him to accept the flight.

The [Detroit Free Press](#) [11/20/2018 7:32 PM, Niraj Warikoo, MI] reports that in a statement on the judge's ruling, U.S. Immigration and Customs Enforcement (ICE) said: "ICE is reviewing the judge's order and will determine the appropriate next steps, pending decisions by the U.S. Court of Appeals for the 6th Circuit on related appeals filed by the government on two previous preliminary injunctions ordered by this court."

Reported similarly:



[CNN](#) [11/20/2018 3:24 PM, Eli Watkins]  
[Bloomberg](#) [11/20/2018 3:11 PM, Erik Larson]  
[U.S. News & World Report](#) [11/19/2018 7:00 PM, Yeganeh Torbati, 3264K]  
[Washington Times](#) [11/20/2018 2:44 PM, Stephen Dinan, 547K, DC]  
[Detroit News](#) [11/20/2018 2:47 PM, Sarah Rahal and David Dickson, 154K, MI]  
[Local 4](#) [11/20/2018 12:45 PM, Ken Haddad, 187K, MI]  
[Michigan Public Radio](#) [11/20/2018 2:54 PM, Tracy Samilton, 24K, MI]

**[OR] Portland man pleads guilty in attempt to bribe ICE agent to deport wife**

[Oregonian](#) [11/20/2018 5:02 PM, Elliot Njus, 587K, OR] reports a Portland man pleaded guilty to a bribery charge Tuesday after he tried to pay a U.S. Immigration and Customs Enforcement agent to deport his estranged wife. Antonio Oswaldo Burgos, 48, originally faced three charges of bribery in Portland's U.S. District Court because prosecutors said he tried to bribe the agent on three occasions. Burgos first contacted the agent by following the officer from an ICE facility in Portland to a Vancouver parking lot. There, prosecutors said Burgos offered the agent money to deport his wife, whom he was in the process of divorcing. He was arrested days later, on June 29. Judge Michael Simon will decide Burgos' sentence on May 6. He faces up to 15 years in prison, a \$250,000 fine and three years of supervised release.

Reported similarly:

[Washington Times](#) [11/20/2018 12:26 PM, Stephen Dinan, 547K, DC]  
[KOIN](#) [11/20/2018 8:24 PM, Staff, 51K, OR]  
[Columbian](#) [11/20/2018 7:28 PM, Andy Matarrese, 37K, WA]

**[CA] Battleground: The Fight Over Immigration Consultants, Notarios and the Future of California Law**

[Medium](#) [11/20/2018 5:16 PM, Laurel Weibezahn, 13110K] reports California resident Nelly Reyes wanted to help immigrants. More than 20 years ago, Reyes became an immigration consultant, working to help immigrants translate, organize and file petitions for change of status. The flexible hours meant more time to spend with her kids, and thousands of immigrants needed her services. Not all immigration consultants treated their clients fairly, instead targeting vulnerable people they viewed as easy prey, failing to deliver promised documentation and bilking them out of thousands of dollars. While Reyes and other immigration consultants rejected the name, the lack of regulation continued to attract fraudsters, igniting an ongoing battle that landed in the California State Legislature. Immigration allies who normally found themselves on the same side were now at each other's throats over the future of immigration consulting.

## **Enforcement News**

**U.S. detaining highest number of migrants in 17 years: report**

[The Hill](#) [11/20/2018 9:15 AM, Emily Birnbaum, 2630K] reports the U.S. is currently detaining a record number of migrants, hitting an all-time high with an average of 42,000 people in custody each day throughout fiscal 2018, according to multiple reports. The number of people detained by Immigration and Customs Enforcement is the highest since the agency began tracking detention numbers in 2001, CNN reported. The monthly average numbers fluctuated between 39,192 and 44,699, according to data obtained by the network

from ICE. The data indicates ICE has detained around 4,000 more people than Congress has budgeted for, the Daily Beast reported. CNN noted it is common for ICE to exceed the number of beds funded by Congress, using available funds and agreements. "Ensuring there are sufficient beds available to meet the current demand for detention space is crucial to the success of ICE's overall mission," ICE spokeswoman Dani Bennett said in a statement to the network. "Accordingly, the agency is continually reviewing its detention requirements and exploring options that will afford ICE the operational flexibility needed to house the full range of detainees in the agency's custody." The Trump administration has requested around \$2.8 billion to expand its detention capabilities, Bennett told CNN. ICE did not respond to repeated requests by the Daily Beast to address how it is funding the extra beds.

**Veterans deported for committing crimes want second chance to return to U.S.**

[KSAT 12](#) [11/21/2018 3:24 AM, Tiffany Huertas, 98K, TX] reports a group of deported veterans living in Mexico are opening up about uprooting their lives and leaving the place they used to call home. At one point, they all had green cards, served in the U.S. military, got convicted of a crime and were then deported. "Yes, we committed a crime. We understand. But we paid our debt to society," said Ivan Ocon, 41, a deported veteran. According to Immigration and Customs Enforcement, while Ocon served a seven-year prison sentence for the crime, he was transferred to ICE custody in April 2015 and placed in removal proceedings. A year later, an immigration judge ordered him to leave the U.S. Ocon has been living in Juarez with a group of veterans who were also deported for committing crimes. ICE released the following statement: "U.S. Immigration and Customs Enforcement respects the service and sacrifice of those in military service, and is very deliberate in its review of cases involving veterans. Any action taken by ICE that may result in the removal of an individual with military service must be authorized by the senior leadership in a field office, following an evaluation by local counsel. ICE exercises prosecutorial discretion for members of the armed forces who have honorably served our country on a case-by-case basis when appropriate. ICE specifically identifies service in the U.S. military as a positive factor that should be considered along with other factors in the totality of the circumstances when deciding if prosecutorial discretion should be exercised. Still, applicable law requires ICE to mandatorily detain and process for removal individuals who have been convicted of aggravated felonies as defined under the Immigration and Nationality Act."

**[CT] Deportee, ex-Norwalk resident, sentenced for illegally entering U.S.**

[Norwalk Hour](#) [11/20/2018 6:42 AM, Jim Shay, 17K, CT] reports that a former Norwalk man was sentenced Monday by Chief U.S. District Judge Janet C. Hall to 12 months and one day in prison for illegally reentering the U.S. after being deported. Miguel Angel Arcos-Vasquez is a citizen of Guatemala, who last resided in Norwalk. On Jan. 27, 2017, under the name of Dimas Herrarte-Ramirez, he was charged by the Norwalk Police Department with sale of a hallucinogen/narcotic and criminal possession of a firearm. He has been detained since that time, and U.S. Immigration and Customs Enforcement was notified.

**[NJ] Rutgers University professors say recent ICE arrest goes against 'safe haven'**

[News12 New Jersey](#) [11/20/2018 6:12 PM, Staff, 34K, NJ] reports a group of Rutgers University faculty members are calling on the school's president to respond to an incident in which campus police went against the university's safe haven policy by calling immigration agents. Dozens of faculty members sent President Robert Barchi a letter denouncing the

September incident in which Rutgers University police officers detained an individual for hours until Immigration and Customs Enforcement agents could pick up the person. Faculty members say that this is against the university's safe haven policy, and they say that it has left undocumented students wondering if they are safe on campus. [Editorial note: consult source link for video]

**[PA] U.S. to deport Taiwan student who threatened to shoot up Pennsylvania school**

[WSAU-AM](#) [11/20/2018 2:29 PM, David DeKok, 4K, WI] reports U.S. immigration officials were preparing on Tuesday to deport a Taiwanese exchange student who pleaded guilty to charges of threatening to shoot up the Catholic high school he attended in suburban Philadelphia. An-Tso "Edward" Sun, 18, is being held in the Federal Detention Center in Philadelphia, Immigration and Customs Enforcement officials said. He is awaiting deportation to his native Taiwan, where his parents are prominent entertainers. "armed with over 1,000 rounds of ammunition, he threatened a mass shooting," Delaware County District Attorney Katayoun M. Copeland said in a statement. U.S. District Judge Nitza Quinones Alejandro sentenced Sun on Monday to time served, approximately five months, and ordered his immediate deportation, which could take four to six weeks, according to the student's lawyer.

**[NC] Protesters call for ICE to release local undocumented man whom agents took into custody Monday**

[Winston-Salem Journal](#) [11/20/2018 7:15 PM, John Hinton, 67K, NC] reports a group of 20 protesters demanded Tuesday that the U.S. Immigration and Customs Enforcement release a Winston-Salem man from the Forsyth County Jail after its agents accused the man of being an undocumented immigrant and detained him. The demonstrators held their rally for nearly an hour on Second Street in front the jail. ICE agents detained Ulises Ramirez Arellano on Monday morning after they stopped him as he was driving to his job at a local construction company, his supporters said. Ramirez Arellano, 34, was being held Tuesday in the jail under an immigration detainer, the Forsyth County Sheriff's Office said. Bryan Cox, ICE spokesman in Atlanta, said that demonstrators have a constitutional right to peacefully protest on Ramirez Arellano's behalf. Cox said that ICE agents picked up Ramirez Arellano because they suspected that he had violated federal immigration laws. Alan Doorasamy of Winston-Salem, Ramirez Arellano's attorney and immigration lawyer, said he filed a motion for a judge to set bond for his client Monday in the Charlotte Immigration Court. A federal immigration judge will likely consider the motion on Monday, said Doorasamy who didn't attend Tuesday's rally for Ramirez Arellano.

Reported similarly: [WXII-TV](#) [11/20/2018 6:42 PM, Kirsten Gutierrez, 51K, NC]

**[MO] Shawnee Resident Whose Bike-Repair Business Helped His Native Gambia Faces Deportation**

[KCUR](#) [11/20/2018 5:22 PM, Anne Kniggendorf, 18K, MO] reports Abdoulie Fatajo, a Shawnee, Kansas, philanthropist and community leader from Gambia, was arrested and detained by Immigration and Customs Enforcement on November 9. He's being held at the Morgan County Detention Center in Versailles, Missouri. He's had limited access to a phone and has relied on a friend to spread the word of his arrest, though his family is being careful about who hears.

**[TX] Groups of 100 Central American Migrants Apprehended at Texas Border**

[Breitbart](#) [11/20/2018 11:39 AM, Bob Price, 2405K] reports Border Patrol agents in the Rio Grande Valley Sector apprehended two large groups of Central American migrants who illegally crossed the border. The groups, consisting of nearly 100 family units and unaccompanied minors, surrendered to Border Patrol agents after they illegally entered the U.S. from Mexico in two separate incidents. Agents assigned to the Weslaco Border Patrol Station came upon a large group of migrants on the morning of November 17. The group assembled after being shuttled across the Rio Grande River by cartel-connected human smugglers. A group of 43 illegal immigrants from Honduras, Guatemala, and El Salvador surrendered to the agents, according to information provided by Rio Grande Valley Sector Border Patrol officials on Monday evening. DHS officials told Breitbart News late last week that migrants who were apprehended after illegally crossing the border between ports of entry would be detained for up to 20 days. During this time, the migrants would be under an expedited removal process and would have an immigration hearing before being returned to their country of origin.

**[TX] MS-13 gang member extradited to El Salvador on murder, terrorism charges**

[El Paso Times](#) [11/20/2018 1:19 PM, Aaron Martinez, 11K, TX] reports an MS-13 gang member, previously convicted in the Western District of Texas, was arrested in New York in connection with attempted murder and terrorism-related charges in El Salvador. Milessa Cortez-Granados, a reputed member of the El Salvadoran gang Mara Salvatrucha also known as MS-13, was arrested in March by U.S. Immigration and Customs Enforcement's Homeland Security Investigations, immigration officials said. Border Patrol arrests MS-13, Paisas gang suspects on Texas border near El Paso. Cortez-Granados, 32, was wanted in connection with allegedly being part of the notorious gang with the role of notifying fellow gang members of the presence of El Salvadoran law enforcement during criminal activities, customs officials said. She and other MS-13 gang members allegedly threatened police officers patrolling in an area in El Salvador with firearms on Jan. 12, 2013, according to El Salvadoran law enforcement authorities. The operation includes U.S. Immigration and Customs Enforcement, Homeland Security Investigations, U.S. Customs and Border Protection and U.S. Citizenship and Immigration Services, along with state and local law enforcement. "Since Oct. 1, 2009, ERO has removed more than 1,700 foreign fugitives from the United States who were sought in their native countries for serious crimes, including kidnapping, rape and murder," customs officials said in a news release. "In fiscal year 2017, ICE conducted 226,119 removals nationwide. Eighty-three percent of individuals removed from the interior of the United States had previously been convicted of a criminal offense."

**[TX] Advocacy group: ICE moved detained woman after Taylor official visited her**

[Austin American-Statesman](#) [11/20/2018 6:03 PM, Claire Osborn, 134K, TX] reports immigration officials transferred a woman from a detention center in Taylor to another facility in Laredo after a Taylor City Council member visited her, according to Grassroots Leadership, an immigrant rights group. Melvin Griselda Cruz-Lopez, an asylum seeker from El Salvador seeking release to protect her 5-year-old daughter from the girl's abusive father, was transferred away from her legal and community support, the group said in a news release. Taylor City Council Member Mitch Drummond visited Cruz-Lopez on Wednesday while she was at the T. Don Hutto Residential Center after hearing from members of the immigrants rights group and community residents concerned about her, according to the Grassroots Leadership release. The night after Drummond's visit, an ICE official told Cruz-Lopez to sign an unknown document that she believed to be her own deportation, and after she refused the official signed it and told her she would be moved to the Laredo detention

facility, the release said. It said a Taylor community member who tried to visit her Friday morning at the T. Don Hutto Residential Center found out she was no longer there.

**[TX] Harris County among top counties in U.S. where ICE deports people**

[Houston Chronicle](#) [11/20/2018 4:24 PM, Fernando Ramirez, 3350K, TX] reports the Army troops stationed at the border may give the impression that most deportations occur along the U.S.-Mexico boundary. In reality, new data shows they're actually happening in some of America's largest cities. According to a study by Syracuse University, Texas ranked first in the U.S. for Immigration and Customs Enforcement arrests and deportations. An average of 1,975 monthly deportations occurred in Texas between Oct. 2017 and June 2018, per figures released by the agency. The leading Texas counties where "Secure Communities removals" occurred were El Paso, Harris, Dallas and Hidalgo. In Harris County, 1,864 persons were deported and 6,265 arrested by ICE in the 2018 fiscal year. In total, 17,777 persons were deported in Texas by ICE in the 2018 fiscal year.

**[AZ] Tucson man arrested at border for trying to smuggle 3**

[Washington Times](#) [11/21/2018 12:00 AM, Associated Press, DC] reports Border Patrol agents say a Tucson man has been arrested on suspicion of trying to smuggle three Mexican nationals into Arizona. U.S. Border Patrol officials say agents in Nogales took the 22-year-old man into custody Monday afternoon. The incident happened at the Interstate 19 Immigration Checkpoint. Authorities say the suspect was driving his SUV in the primary inspection lane when agents discovered three people in the rear cargo area. They were questioned and agents learned they had entered the country illegally. The trio, who are ages 19, 21 and 39, were turned over for processing for immigration violations.

**[WA] 5 teens escape immigration facility after guards assaulted**

[Washington Times](#) [11/20/2018 2:55 PM, Associated Press, DC] reports that court records say five boys at an immigration detention center in Fife escaped earlier this year after two of them assaulted guards and stole a key. The News Tribune reports the breakout happened at the Selma Carson Home, a 23-bed medium-security facility that houses boys in the country alone and going through federal immigration proceedings. The boys remain at large following their June 17 escape. Two were charged at the time as juveniles, but their cases moved to adult court when they turned 18. Charging papers say a 17-year-old called a guard that day and sprayed the woman in the face with a fire extinguisher. Simultaneously, another 17-year-old sprayed another guard with a fire extinguisher. Documents say one of the teens grabbed a key card locked on a guard's wrist and yanked until the chord broke. They then used the key to escape.

**[CA] Gang member and sex offender arrested by BP**

[Desert Review](#) [11/20/2018 1:54 PM, Staff, CA] reports Border Patrol agents assigned to El Centro Sector arrested a convicted sex offender and gang member Sunday afternoon, according to a recently released press report. The incident occurred at approximately 4:15 p.m., after agents assigned to the Calexico Station arrested a man near the Calexico Port of Entry for illegally crossing the international border. Agents determined the man was a citizen of Mexico illegally present in the United States, per the report. According to the release, the Border Patrol agents conducted record checks, which revealed that 34-year-old, Antonio Villasenor Nunez, had a previous criminal record. Villasenor previously was removed from the United States in 2007 by an immigration judge, per the report. The



release said Villasenor is a member of the Paisa prison gang, and will be held pending criminal prosecution for his illegal entry into the United States.

### **[CA] Egyptian National Allegedly Drove Autistic Children Off Pier to Collect Life Insurance Money**

[Preston Business Review](#) [11/20/2018 3:58 PM, Staff] reports an Egyptian national is facing fraud charges for allegedly driving his severely autistic children off a pier at the Port of Los Angeles to collect money off of their life insurance policies, prosecutors said. Federal prosecutors charged Ali Elmezayen, 44, with mail fraud, wire fraud, and aggravated identity theft, for allegedly "posing as his domestic partner" when making calls to the insurance companies after his eight-year-old and 11-year-old, both of whom had severe autism, drowned when Elmezayen's vehicle crashed into the ocean, the Justice Department last Tuesday. In the following months after the crash, Elmezayen collected more than \$260,000 in insurance money from the accidental death insurance policies he bought for his children, according to an affidavit. He then wired \$171,000 of the money to his native Egypt. Prosecutors say he took out \$6 million in insurance policies and paid \$6,000 in premiums per year while posing as his domestic partner, Rabab Diab to avoid investigations by the insurance companies. The Washington Post reported that Elmezayen came to the U.S. from Egypt with Diab, in 2000. Both came to the U.S. on six-month visitor visas, but overstayed their visas and chose to settle in California. Elmezayen and Diab had three autistic children while they built their lives in California, according to the Post. Once the U.S. Immigration and Customs Enforcement (ICE) agency found out the couple had overstayed their visas, an immigration judge issued removal orders for both Elmezayen and Diab. But a judge later issued a "withholding of removal" order, Elmezayen and Diab to stay in the U.S. on the basis that they would be subject to persecution upon returning their home countries. A spokesperson with ICE confirmed with Breitbart News on Monday that they "closely monitoring" Elmezayen's criminal case but have not placed a detainer on him, which would make him subject to deportation from the U.S.

### **[Mexico] Tijuana arrests 34 Central America migrants on minor charges**

[VOA](#) [11/20/2018 12:11 PM, Julie Watson and Mark Stevenson] reports officials in the Mexican border city of Tijuana said they have arrested 34 members of the caravan of Central American migrants for minor offenses and turned them over for deportation. A Tijuana city statement late Monday said the 34 – apparently all men – were arrested for drug possession, public intoxication, disturbing the peace and resisting police, and added they would be deported to their home countries. The main caravan has between 4,000 and 6,000 participants, so those arrested represent less than 1 percent of the total. Tijuana Mayor Juan Manuel Gastelum has made a point of saying the city is not comfortable with the caravan that began arriving last week, and he compared the Central American group unfavorably with about 3,000 Haitians who ended up in this city bordering San Diego on a failed bid to reach the United States last year.

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Friday, Nov. 23, 2018**

## **Executive Office for Immigration Review**

DOJ releases staggering stats on amount of illegal immigrants who skip hearings and 'disappear'..... 3

## **Policy and Legislative News**

Rebuking Trump's criticism of 'Obama judge,' Chief Justice Roberts defends judiciary as 'independent'..... 3

Trump demands an end to 9th U.S. Circuit Court of Appeals thwarting his border policies..... 4

Caravan migrants weigh options after court blocks Trump ban..... 4

Trump Issues Thanksgiving Threat to Close U.S.-Mexico Border..... 5

Trump gets political in holiday call to troops..... 5

Trump plan would force asylum seekers to wait in Mexico as cases are processed, a major break with current policy..... 5

Migrants march to border in Tijuana ..... 7

Mexico detains 213 Central American migrants in 4th caravan..... 7

Troops approved to use force at the border, but Mattis says the mission hasn't changed ..... 7

2018 U.S. Troop Levels at Southern Border With Mexico..... 8

Short of Their Destination, Caravan Migrants Wrestle With Next Steps..... 9

Dropping the Ball on Asylum..... 9

Why and how are asylum seekers entering the U.S.?..... 10

One Family Shares Why They Joined The Migrant Caravan And Their Challenges..... 10

Terror of gang violence drives migrant caravans northward ..... 10

Migrant caravan: Tijuana declares humanitarian crisis, asks for international help..... 10

Cornyn discusses the migrant crisis in Mexico ..... 11

Gallup Poll: Illegal Immigration 'Top Problem' Facing U.S..... 11

Record number of immigrant children in federal custody ..... 11

America Spends \$30,000 Every Time a Migrant Child Is Separated and Reunited With Family .....	12
Trump Administration Quietly Backs Off on Deporting Vietnamese Immigrants	12
As Trump mulls firing the head of DHS, the agency's second top role is already empty .....	12
Former ICE Chief Homan: The Ninth Circuit Doesn't Believe in the Rule of Law .....	13
[MA] Boston Police Has a Secret Point System That Turns Normal Teenage Behavior Into Gang Membership .....	13
[MA] Protesters gather at sheriff's home to decry arrests for ICE .....	14
[TN] Memphis-area activists rally to fill void left by shifting U.S. immigration policies.....	14
[TX] Asylum seekers blocked at Texas border bridges say Mexican officials are demanding money to let them pass ....	15
[TX] Down on the border, Texas volunteers open their homes and hearts to asylum seekers .....	15
[TX] Thanksgiving in immigration shelters as number of detained children hits record.....	16
[CA] 'It's not right.' Advocates want Merced Sheriff to sever all ties to ICE	16

## Legal News

Why Big Law Is Taking on Trump Over Immigration .....	17
[NY] Sunnyside attorney made phony immigration documents: Prosecutors .	17
[NJ] New Jersey Governor Allocates \$2.1 Million in Tax Dollars to Defend Illegal Aliens in Court .....	17
[NJ] Legal aid for immigrants the American way .....	18

[TX] ICE denies retaliating against detainee moved from Taylor .....	18
[GA] Immigration lawyer finds home in shadow of giant Ga. detention center..	19
[MI] Angry judge in Michigan orders Iraqi detainees released, blasts government.....	19
[AZ] Border Patrol Agent Who Shot Mexican Teenager Is Acquitted of Involuntary Manslaughter .....	19
[CA] Cambodian Faces Legal Battle to Remain in U.S. After Release From Jail .....	20

## Enforcement News

[CT] Nelson Pinos Denied Stay Of Deportation .....	20
[VA] ICE agents accused of intentionally stalling detained immigrant's marriage paperwork before hearing .....	20
[FL] 2 sons of former Panama president detained in U.S.....	21
[MO] Shawnee man's arrest by ICE has effects in Gambia, where his business supports many .....	21
[IA] WC man gets federal prison term for illegal reentry.....	22
[TX] Illegal Immigrant Deported 2 Years Ago Charged in Murder of Texas Clerk .....	22
[TX] MS-13 gang members deported from Houston by ICE agents .....	22
[TX] Harris Among Top Texas Counties For Deportation Of Illegals In 2018 .....	23
[WA] Immigration detainee taken to Tacoma hospital last week remains on life support .....	23
[OR] Man pleads guilty to bribing ICE agent to deport wife and her daughter	23

## **Executive Office for Immigration Review**

### **DOJ releases staggering stats on amount of illegal immigrants who skip hearings and 'disappear'**

[Business and Politics](#) [11/22/2018 1:29 PM, Frieda Powers] reports new Justice Department statistics reveal that half of the young illegal immigrants who are caught crossing the border do not follow through by appearing in deportation courts. About 25,000 mostly young, single Latin American males end up hiding out in the US for the rest of their lives as they refuse to comply with orders to appear in court, according to a disturbing analysis of the Department of Justice statistics conducted by the Center for Immigration Studies, the Washington Examiner reported. Nearly 60,000 "unaccompanied alien children" are projected to cross the border in 2018 with most of given temporary entry with directions to appear at immigration court. According to the report by former immigration official Andrew Arthur: "The number of UACs who were ordered removed in absentia, that is, after failing to appear for immigration court, has skyrocketed from 450 in FY 2010 to 6,662 in FY 2018, an almost 1,500 percent increase during a period of time when the number of UACs apprehended increased about 272 percent (from 18,411 in FY 2010 to 50,036 in FY 2018). In fact, in FY 2018, half of all case completions involving UACs were in absentia orders, according to [Justice's Executive Office for Immigration Review] compared to an overall in absentia average of 25 percent of all case completions."

An unbelievable number of these illegal immigrants are released instead of being held. "Thus far in FY18, 13,186 UACs were released into the interior of the United States — that's in addition to the 42,146 UACs and 52,147 UACs who were released in FY17 and FY16 respectively, bringing the total number of UACs released from FY16 to date in excess of 107,000," a Homeland Security Department report, which was referred to by Arthur, read. Immigration and Customs Enforcement is faced with the daunting and expensive prospect of finding the illegal immigrants, many of whom are sheltered by organizations and in sanctuary cities, the Washington Examiner reported. There are an estimated 2,300 "unaccompanied alien children" in the Central American migrant caravan headed to the US border, according to a UNICEF report. "Any court system in which half of the parties required to appear fail to do so is in crisis," Arthur wrote, adding "Respectfully, Congress and the courts created this mess."

## **Policy and Legislative News**

### **Rebuking Trump's criticism of 'Obama judge,' Chief Justice Roberts defends judiciary as 'independent'**

[Washington Post](#) [11/21/2018 1:23 PM, Robert Barnes and Felicia Sonmez] reports that Chief Justice John G. Roberts Jr. directed a rare and pointed shot at President Trump on Wednesday, defending the federal judiciary in the wake of Trump's criticism of an "Obama judge" who ruled against the administration's attempt to bar migrants who cross the border illegally from seeking asylum. "We do not have Obama judges or Trump judges, Bush judges or Clinton judges," Roberts said in a statement released by the court's public information office. "What we have is an extraordinary group of dedicated judges doing their level best to do equal right to those appearing before them." Delivered on the eve of Thanksgiving, Roberts added: "That independent judiciary is something we should all be

thankful for." Trump on Tuesday had told reporters outside the White House that he was "going to put in a major complaint" against the federal judge who temporarily blocked his administration from denying asylum to migrants who illegally cross the southern border. U.S. District Judge Jon S. Tigar, who serves in the Northern District of California, ruled late Monday that federal law clearly states that migrants can seek asylum anywhere on U.S. soil.

[Newsweek](#) [11/21/2018 2:07 PM, Greg Price, 1720K] reports that Roberts stressed the importance of an independent judiciary while stating no federal judge was beholden to any president. Roberts was tapped by President George W. Bush to head up the country's highest court in 2005. "We do not have Obama judges or Trump judges, Bush judges or Clinton judges," Roberts told the Associated Press. "What we have is an extraordinary group of dedicated judges doing their level best to do equal right to those appearing before them. That independent judiciary is something we should all be thankful for."

Additional reporting:

[Washington Post](#) [11/22/2018 5:48 PM, Jill Colvin]

[The Hill](#) [11/22/2018 12:39 PM, Tal Axelrod]

[Townhall](#) [11/21/2018 2:00 PM, Cortney O'Brien, 348K]

[The Guardian](#) [11/21/2018 5:15 PM, Erin Durkin, UK]

### **Trump demands an end to 9th U.S. Circuit Court of Appeals thwarting his border policies**

[USA Today](#) [11/22/2018 4:30 PM, Doug Stanglin] reports President Donald Trump warned Thursday that someone – a group of judges or Congress – must step in to stop what he called "horrible decisions" by the 9th U.S. Circuit Court of Appeals that has blocked several of his border and immigration orders. "We get a lot of bad court decisions from the Ninth Circuit, which has become a big thorn in our side," Trump said during a televised teleconference with members of the military. "It's a terrible thing when judges take over your protective services, when they tell you how to protect your border. It's a disgrace." His remarks to reporters in Mar-a-Lago were part of a week-long presidential tirade following a ruling Monday by U.S. District Court Judge Jon Tigar – who is not an appeals court judge – that halted the administration's attempts to bar migrants who enter the country illegally from applying for asylum. "Whatever the scope of the President's authority, he may not rewrite the immigration laws to impose a condition that Congress has expressly forbidden," Tigar wrote in his 37-page ruling. The judge's order is only in effect until Dec. 19, when he is scheduled to hear arguments about whether it should remain permanent.

Additional reporting:

[Los Angeles Times](#) [11/22/2018 6:33 PM, Mark Z. Barabak, 3575K]

[World Tribune](#) [11/21/2018 11:09 AM, World Tribune, 11K]

### **Caravan migrants weigh options after court blocks Trump ban**

[KGNS-TV](#) [11/21/2018 10:56 PM, Staff, 5K, TX] reports authorities in Tijuana, Mexico discussed the possibility of Central American migrants wanting to reach the U.S. remaining in Mexico. Officials said the presence of migrants in Mexico's border posed a flash point in relations with the U.S. Additionally, they said that U.S. efforts to discourage migrants from seeking asylum there could lead to many migrants to stay in Mexico. Earlier, a California court blocked President Trump's asylum ban for people who cross the southern border



illegally. On Monday, 34 caravan members were arrested for possession of drugs, public intoxication and disturbing the peace. They are expected to be deported to their home countries. Some locals expressed concern that portraying the caravan as criminals has tarred its innocent members. Only about 100 asylum claims a day are being processed. The waiting list is about 3,000 when new migrants arrived.

Additional reporting: [Aljazeera](#) [11/22/2018 2:23 PM, Sandra Cuffe]

### **Trump Issues Thanksgiving Threat to Close U.S.-Mexico Border**

[Washington Times](#) [11/22/2018 12:15 PM, Jill Colvin] reports that President Donald Trump is threatening to close the U.S. border with Mexico for an undisclosed period of time if his administration determines that its southern ally has lost "control" on its side. Trump is citing the situation involving migrants camped in Tijuana, Mexico, after traveling in a caravan to reach the United States. Trump calls it "a really bad situation" there and says that "if we find that it's uncontrollable," then "we will close entry into the country for a period of time until we can get it under control. The whole border." The president also says he's given American troops at the border the "OK" to use lethal force against migrants "if they have to." Trump tells reporters: "I hope they don't have to," but he says, "I have no choice" because "you're dealing with rough people."

[The Hill](#) [11/22/2018 11:50 AM, Michael Burke] reports that President Trump claimed that the U.S. closed the border earlier this week, though it was unclear what he was referring to. Earlier this week traffic lanes near a key port of entry in San Diego were temporarily shut down. "Two days ago, we closed the border. We actually just closed it," Trump said. "We said, 'Nobody's coming in.' Because it's out of control." Homeland Security Secretary Kirstjen Nielsen said Monday that the lanes were shut down because a large number of migrants were planning to "rush the border."

Additional reporting:

[FOX News](#) [11/22/2018 3:27 PM, Andrew O'Reilly]

[Los Angeles Times](#) [11/22/2018 6:33 PM, Mark Z. Barabak, 3575K]

### **Trump gets political in holiday call to troops**

[Washington Post](#) [11/22/2018 5:29 PM, Associated Press] reports President Donald Trump struck an unusually political tone with his Thanksgiving Day call to service members deployed overseas. As the president wished members of the five military branches a happy holiday, he also complained about the court system, trade issues and migrants heading to the southern border of the U.S. The president also told the troops that the country is doing exceptionally well on his watch. In remarks to reporters, the president continued to warn of caravans of Central American migrants that have been making their way toward the U.S. He threatened to close the U.S. border with Mexico for an undisclosed period if his administration determines Mexico has lost "control" on its side.

### **Trump plan would force asylum seekers to wait in Mexico as cases are processed, a major break with current policy**

[Washington Post](#) [11/21/2018 10:18 PM, Nick Miroff, Joshua Partlow and Josh Dawsey, 11653K] reports that Central Americans who arrive at U.S. border crossings seeking asylum in the United States will have to wait in Mexico while their claims are processed under sweeping new measures the Trump administration is preparing to implement, according to

internal planning documents and three Department of Homeland Security officials familiar with the initiative. According to DHS memos obtained by The Washington Post on Wednesday, Central American asylum seekers who cannot establish a "reasonable fear" of persecution in Mexico will not be allowed to enter the United States and would be turned around at the border. The plan, called "Remain in Mexico," amounts to a major break with current screening procedures, which generally allow those who establish a fear of return to their home countries to avoid immediate deportation and remain in the United States until they can get a hearing with an immigration judge. Among the thousands of Central American migrants traveling by caravan across Mexico, many hope to apply for asylum due to threats of gang violence or other persecution in their home countries. They had expected to be able to stay in the United States while their claims move through immigration court. The new rules would disrupt those plans, and the hopes of other Central Americans who seek asylum in the United States each year.

The new rules will take effect as soon as Friday, according to two DHS officials familiar with the plans. Katie Waldman, a spokeswoman for DHS, issued a statement late Wednesday saying there are no immediate plans to implement these new measures. "The President has made clear — every single legal option is on the table to secure our nation and to deal with the flood of illegal immigrants at our borders," the statement says. "DHS is not implementing such a new enforcement program this week. Reporting on policies that do not exist creates uncertainty and confusion along our borders and has a negative real world impact. We will ensure — as always — that any new program or policy will comply with humanitarian obligations, uphold our national security and sovereignty, and is implemented with notice to the public and well coordinated with partners." A Mexican official, speaking on the condition of anonymity, said that current Mexican immigration law does not allow those seeking asylum in another country to stay in Mexico.

[Politico](#) [11/22/2018 5:37 PM, Ian Kullgren] reports the DHS is still finalizing the plan, according to a former Obama Justice Department official familiar with the memos, making it unlikely that the White House will announce it this week. The official described the plan as a workaround to put pressure on Mexico. Internal strife over the administration's asylum policies escalated in recent days, with Chief of Staff John Kelly and DHS Secretary Kirstjen Nielsen vocally opposing a Cabinet order granting the troops deployed at the southern border the right to use lethal force to defend border patrol agents. The pair relented eventually, though the exchange revived speculation that Trump will soon fire Nielsen — an idea he's floated to friends and associates since the midterm elections. To carry out its latest asylum plan, the administration would likely have to convince Mexico to cooperate — a difficult task, Quigley said, since Mexico has far fewer asylum officers to handle the influx of refugees. Mexican officials did not immediately respond to requests for comment.

[FOX News](#) [11/22/2018 9:47 AM, Bradford Betz and Edmund DeMarche] reports that a Mexican official told the paper that under current law, Mexico does not allow those seeking asylum in another country to stay there during the process. The Post's report was based on "internal planning documents" and three unnamed officials in the Department of Homeland Security. The paper called the proposal a major break from the current system, where asylum seekers have to establish a fear of returning to their home country. President Donald Trump has called the current system "catch and release." A spokeswoman from DHS told the paper that there are no immediate plans to implement the measure. U.S. Citizenship and Immigration Services will reportedly send teams from various cities to port entries to begin the process.

[The Hill](#) [11/21/2018 11:18 PM, Tal Axelrod, 2630K] reports the policy could take effect as soon as Friday according to two DHS officials familiar with the plans.

Additional reporting:

[Breitbart](#) [11/22/2018 3:46 AM, Neil Munro, 2405K]

[CNN](#) [11/22/2018 9:47 AM, Kate Sullivan]

[Huffington Post](#) [11/22/2018 12:28 AM, Nick Visser, 9094K]

[Washington Examiner](#) [11/22/2018 9:37 AM, Naomi Lim, 567K, DC]

[Washington Examiner](#) [11/22/2018 10:40 AM, Pate Kasperowicz, 567K, DC]

### **Migrants march to border in Tijuana**

[Washington Post](#) [11/22/2018 5:01 PM, Maria Verza] reports a small group of Central American migrants marched peacefully to a border crossing in Tijuana Thursday to demand better conditions and push to enter the U.S. Mexican police watched closely as authorities from the National Human Rights Commission and the Grupo Beta migrant support agency told the migrants their needs would be addressed. They urged them to apply for humanitarian visas in Mexico and seek work in Tijuana, where they said thousands of jobs were available. But Oscar Rodriguez, 22, of Colon, Honduras, said he was still set on convincing "the United States to open its doors to us." Several thousand Central American migrants arrived in Tijuana last week more than a month after leaving Honduras in a caravan. The U.S. government only processes about 100 asylum applications per day at Tijuana's main crossing to San Diego and there were already several thousand migrants on a waiting list. Some outspoken Tijuana residents have given the migrants a cold reception leaving them stuck between the city, whose mayor said they aren't wanted, and a U.S. president who is trying to keep them out.

### **Mexico detains 213 Central American migrants in 4th caravan**

[Washington Post](#) [11/21/2018 5:02 PM, Associated Press] reports that Mexican immigration agents have detained almost all of the Central American migrants on a fourth caravan that recently entered Mexico seeking to reach the United States. Mexico's National Immigration Institute says 213 migrants have been detained. Those found to lack proper documents face repatriation to their home countries. The migrants were detained Wednesday on a highway between the Guatemalan border and the southern Mexican city of Tapachula. They included 186 people from El Salvador, 16 from Guatemala, 10 Honduras and one Nicaraguan. The group set out from El Salvador on Nov. 18 and apparently crossed the river dividing Guatemala and Mexico on Tuesday. Mexico officials have detained smaller groups that split off from the first three larger caravans of thousands of migrants that entered starting Oct. 19.

### **Troops approved to use force at the border, but Mattis says the mission hasn't changed**

[Washington Post](#) [11/22/2018 7:18 PM, Missy Ryan and Paul Sonne] reports that the Trump administration has given U.S. troops along the southern border permission to use force in protection of federal Border Patrol agents, but there has been no decision to alter the military's mission there, Defense Secretary Jim Mattis said Wednesday. Mattis, speaking to reporters at the Pentagon, said he was reviewing an order the White House issued late Tuesday for service members deployed in support of Customs and Border Protection (CBP) personnel in Texas, Arizona and California. According to the order, signed by White House

Chief of Staff John F. Kelly, military personnel may use "a show or use of force (including lethal force, where necessary), crowd control, temporary detention and cursory search" to protect CBP. "It is not an unreasonable concern on the part of the president that we may have to back up Border Patrol," Mattis said, citing skirmishes between Mexican authorities and migrants on that country's border with Central America earlier this fall. But he said he had not altered the orders of the approximately 5,800 active-duty troops arrayed across the southern border, most of whom are not armed and have been performing functions such as stringing concertina wire, building barriers and transporting Border Patrol agents.

[Politico](#) [11/22/2018 12:58 PM, Eliana Johnson, 2709K] reports that President Donald Trump this week presided over an explosive meeting on a new Cabinet order granting the troops deployed at the southern border the right to use lethal force to defend border patrol agents. Several White House aides and external advisers who have supported the president's hawkish immigration agenda attended the Monday meeting, which devolved into a melee pitting two of Trump's embattled aides, White House chief of staff John Kelly and Department of Homeland Security Kirstjen Nielsen, against other attendees, according to three people briefed on the exchange. Kelly and Nielsen initially argued against signing the declaration, which granted the military broad authority at the border, telling the president that the move was beyond his constitutional powers. They were vocally opposed by, among others, senior policy adviser Stephen Miller; Chris Crane, president of the National Immigration and Customs Enforcement Council; and Brandon Judd, president of the border patrol union. Also present was Vice President Mike Pence, who did not take a stand on the issue, according to one of the people briefed on the debate. Kelly and Nielsen eventually came around to the president's position, and the bitter dispute ended Tuesday evening when Kelly, on Trump's orders, signed a Cabinet declaration granting the military the disputed authority.

[CNN](#) [11/22/2018 6:54 PM, Kate Sullivan] reports that President Donald Trump said Thursday he has authorized American troops on the U.S.-Mexico border to "use lethal force" if necessary against an approaching group of migrants while also threatening to close "the whole border." Trump, who was speaking with military members and reporters at Mar-a-Lago, also said there "certainly could" be a government shutdown over border wall funding in December. "If they have to, they're going to use lethal force. I've given the OK," Trump said. "If they have to – I hope they don't have to." "I have no choice," Trump said, and, without providing evidence, added, "You're dealing with a minimum of 500 serious criminals" and "rough people."

Additional reporting:

[The Hill](#) [11/22/2018 3:27 PM, Tal Axelrod, 2630K]

[The Hill](#) [11/22/2018 2:53 PM, Tal Axelrod, 2630K]

[MSN News](#) [11/21/2018 9:15 AM, David S. Cloud, 55864K]

[Yahoo! News](#) [11/21/2018 6:12 PM, Caitlin Dickson, 273889K]

[Epoch Times](#) [11/22/2018 2:00 PM, Petr Svab, 206K, NY]

[Washington Times](#) [11/21/2018 11:50 AM, Stephen Dinan and S.A. Miller, DC]

[WDEF-TV](#) [11/21/2018 4:47 PM, Staff, 12K, TN]

### **2018 U.S. Troop Levels at Southern Border With Mexico**

[VOA](#) [11/21/2018 12:09 PM, Molly McKitterick, 1028K] reports that President Donald Trump has defended sending U.S. troops to the southern border with Mexico, citing national security concerns as a caravan of several thousand people approached the border. Since

early this year, he has ordered varying numbers of U.S. active-duty and National Guard troops to help fortify the southern U.S.-Mexico border.

### **Short of Their Destination, Caravan Migrants Wrestle With Next Steps**

[New York Times](#) [11/21/2018 11:22 PM, Elisabeth Malkin and Maya Averbuch, 22322K] reports the city government has said that it will take six months for all the migrants who decide to seek asylum in the United States to be called for a first interview with an asylum officer at the border. Having relied on collective action to reach the California border, the migrants must now navigate the next steps on their own. Tijuana officials prepared Wednesday for the caravan to double to more than 6,000 people, as migrants who had been waiting in rudimentary shelters two and a half hours to the east gradually found rides to Tijuana aboard buses and trailers. The migrants, who have insisted on remaining together, are being dropped off at a rundown community sports center where officials set up a makeshift shelter last week. If the final population reaches 6,000 or so, as expected, the shelter will be packed with almost twice as many people as its estimated capacity. United States Homeland Security Secretary Kirstjen Nielsen called the show of force a response to intelligence suggesting that a large number of migrants were going to rush the border, although Pueblo Sin Fronteras, a binational activist group accompanying the migrants, has said repeatedly that no such plan exists.

The [San Diego Union-Tribune](#) [11/22/2018 8:00 PM, Wendy Fry, 291K, CA] reports a small faction of the larger group of 6,219 Central American migrants in Tijuana slowly and peacefully pushed within 500 feet of the U.S. border Thursday while armed Mexican federal police held a barrier near the pedestrian crossing. Asking for more humane conditions in the overflowing Benito Juarez shelter and trying to present themselves to United States immigration authorities for asylum, the group carried white flags as they marched from the migrant camp to the foot of the U.S. pedestrian bridge, a distance of about five city blocks. The migrants have been camped out in muddy and cramped conditions at an open-air sports arena turned into a makeshift shelter. Tijuana municipal authorities have said they are unequipped to handle the growing numbers in the caravan. The latest counts from Mexican authorities put 6,219 migrants in Tijuana with an additional 1,669 migrants trekking toward Baja California from the Mexican states of Jalisco, Nayarit and Sinaloa. President Donald Trump threatened on Thursday to completely shut down the border, and the \$1.6 billion daily trading relationship with Mexico. He authorized military forces to use lethal force "if necessary" to defend border agents from migrants attempting to cross into the U.S.

Additional reporting: [FOX News](#) [11/23/2018 3:25 AM, Edmund DeMarche, 10787K]

### **Dropping the Ball on Asylum**

[New York Times](#) [11/21/2018 2:23 PM, James C. Hathaway] reports "In Dismissing Asylum Rights, President Joins Global Chorus" (The Interpreter, front page, Nov. 3) is right to argue that we don't really have a global refugee system so much as a loose network of partly observed norms. The absence of a reliable system for relieving stress on asylum states creates a mess for both refugees and for governments. Sadly, we had a chance to fix this mess but missed the boat. Responding to the chaos of Syrian and other refugees arriving in Europe in 2015, the United Nations began a "global compact" process that was supposed to deliver a dependable mechanism to share burdens and responsibilities. But after more than two years of consultations, the United Nations' refugee agency has instead offered only loose guidelines and a promise that there will be meetings whenever a "large" refugee



movement occurs. It's no wonder that governments — including the United States' — see little benefit to abiding by the rules.

### **Why and how are asylum seekers entering the U.S.?**

[Los Angeles Times](#) [11/22/2018 2:25 PM, Molly Hennessy-Fiske, 3575K] reports many immigrants entering the U.S. — legally and illegally — claim asylum. Advocates for greater limits on immigration, particularly "chain migration" based on family relationships rather than employment skills, have tried to restrict asylum seekers. This month, President Trump issued a proclamation preventing immigrants from claiming asylum if they crossed the border illegally. On Monday, a federal judge in San Francisco blocked that "asylum ban."

But the judge's ruling did not address another U.S. policy that's forcing asylum seekers to wait on the Mexican side of border bridges, adding their names to growing waiting lists maintained by Mexican officials. On Thursday, a small group of Central American migrants marched peacefully to a border crossing in Tijuana to demand better conditions and push to enter the U.S. We talked to migrants waiting to cross the border legally at a shelter and border bridge in Matamoros, Mexico, and those who had crossed illegally and were released by U.S. immigration officials in neighboring Brownsville, Texas, last week — with notices to appear in immigration court — about why and how they were seeking asylum.

### **One Family Shares Why They Joined The Migrant Caravan And Their Challenges**

[NPR](#) [11/21/2018 4:28 PM, James Frederick] Angel and Delma Muñoz fled gang violence in Honduras and joined the migrant caravan headed toward the U.S. They're now among thousands waiting in Tijuana to apply for asylum. [Editorial note: consult source link for audio]

### **Terror of gang violence drives migrant caravans northward**

[Reuters](#) [11/21/2018 6:20 AM, Delphine Schrank and Goran Timosevic, 4724K] reports former Honduran policeman Ivan says he moved homes so many times to escape the street gangs that terrorize his Central American country that he lost count. Fearful his sons would have to join the gangs or be killed, he eventually joined thousands of Hondurans fleeing to the United States. The 45-year-old, who asked to be identified only by his first name, is journeying through Mexico in a caravan of several thousand mostly Honduran migrants who are fleeing violence and poverty for a better life in the United States. U.S. President Donald Trump has declared the caravans an "invasion," and has sent some 5,800 troops to "harden" the border, including with barbed wire. Ivan, fearful to tell his story, is watchful for gang tattoos or slang that might suggest fellow migrants were associated with his persecutors back home. The former policemen said the final straw in Honduras came when gang members put a gun to his 15-year-old son Yostin's head. They wanted Yostin and younger brother Julio, 13, to join them, threatening death if they refused, Ivan said during a break in the caravan's northward journey at a temporary camp in a Mexico City stadium. So when a caravan set off on Oct. 13 from the crime-racked Honduran city of San Pedro Sula, where the family was hiding with friends, they never hesitated. Their motives echo others in the caravan and are a reminder of the influence the gangs called 'maras' wield across El Salvador, Honduras and Guatemala despite almost 20 years of efforts to crush them.

### **Migrant caravan: Tijuana declares humanitarian crisis, asks for international help**

[Arizona Republic](#) [11/22/2018 10:26 PM, Rafael Carranza, 669K, AZ] reports the mayor of Tijuana declared an international humanitarian crisis on Thursday over the arrival of more

than 5,000 mostly Central American migrants traveling in a caravan. The migrants have streamed into the border city in the past week to seek asylum in the United States. During a press conference Thursday, Mayor Juan Manuel Gastelum asked international groups like the United Nations to step in help the city deal with the influx of migrants, amid a lagging response from the Mexican federal government, which he accused of neglecting their responsibilities to deal with migrant and immigration issues. "They have categorically omitted and not complied with their legal obligations," he said. "So we're now asking them and international humanitarian aid groups to bring in and carry out humanitarian assistance."

### **Cornyn discusses the migrant crisis in Mexico**

[Elgin Courier](#) [11/22/2018 11:00 AM, Ryann DuRant, TX] reports we can't forget our border communities are critically important, and any solution we find must somehow balance our normal compassion for people who are vulnerable and people who are seeking a better life, balancing that compassion with the rule of law and our ability to protect our own sovereignty by securing our borders and controlling illegal immigration into the United States. In the coming weeks, we hope we can work with the administration to determine a course of action that addresses the real needs of legitimate asylum seekers without rewarding illegal activity. We need to send a message the United States alone cannot bear the burden of this mass migration, and we need to ensure those who seek to enter the United States do so legally.

Today on the floor, U.S. Senator John Cornyn (R-TX) discussed the migrant crisis at our Southern border. "Coming from Texas, with a 1,200-mile common border with Mexico, caravans are not unheard of. In fact, we have many caravans showing up on a daily basis at border patrol stations: unaccompanied children, families. What has happened is that the cartels – these transnational criminal organizations that have figured out as part of their business model that they can make money by shipping migrants up through Mexico into the United States, or ship drugs up from Mexico into the United States, or traffic in children and women for sex slavery – they figured out they can make money because of the gaps in our border security, because of the characteristics of our law that make it impossible for us to deter many of the immigrants coming from Central America."

### **Gallup Poll: Illegal Immigration 'Top Problem' Facing U.S.**

[Breitbart](#) [11/20/2018 11:49 PM, Tony Lee, 2405K] reports illegal immigration is top problem facing Americans, according to November's Gallup survey that was released on Tuesday. Gallup's poll found that 21% of Americans believe that "immigration/illegal aliens" is the top problem facing the country, up from 13% from October. "Dissatisfaction with government/Poor leadership" came in second at 18%, followed by health care at 11%. The poll, conducted November 1-11, found that the "immigration/illegal aliens" issue is particularly important to Republicans, "37% of whom name it as the most important problem – an increase of 17 points from the prior month." It also found that 18% of independents and even 10% of democrats cited the illegal immigration as their top concern facing the country.

### **Record number of immigrant children in federal custody**

[Al Dia News](#) [11/22/2018 5:15 PM, Yamily Habib] reports tracking everything that happens in the United States at this time is an increasingly difficult task. While the country focused on the Democratic victory during the midterm elections, the San Francisco Chronicle reported a scandalous number of undocumented immigrant children in federal custody. For

the first time, 14,000 children are being held in camps improvised by the government after the implementation of its policy of zero tolerance, and this figure "shows no signs of slowing down" while the Trump government insists on finding measures to keep minors of age detained for longer periods of time. As the media explained, by November 16, "there were 14,556 unaccompanied immigrant minors in the Department of Health and Human Services custody." A government official provided these figures, and the Department of Health and Human Services subsequently confirmed that "the total had reached approximately 14,000." This figure is another symptom of the crisis unleashed by the government in its effort to stop undocumented immigration in the country. For Mother Jones, one of the aggravating factors of the situation is precisely the aggressiveness of the government when it comes to stopping undocumented immigrants. "While many of the kids are waiting to be released to sponsors or family members who will take them in, many potential sponsors have been discouraged by a new policy that allows Immigration and Customs Enforcement to run background checks on them," explains the report. "Dozens of immigrants have been arrested by ICE officials while attempting to come forward as sponsors."

### **America Spends \$30,000 Every Time a Migrant Child Is Separated and Reunited With Family**

[Newsweek](#) [11/21/2018 6:26 AM, Chantal Da Silva, 1720K] reports that the financial cost of the Trump administration's widely condemned "zero tolerance" immigration policy that separated thousands of children from their parents has been revealed: The first official price tag totals at least \$80 million, which represents the cost of caring for and reuniting migrant children with their families. The policy, which President Donald Trump abruptly rescinded on June 20 after facing widespread backlash, resulted in separating about 2,500 children from their parents. The \$80 million price tag means that the U.S. has so far spent roughly \$30,000 per child under the policy, condemned by the United Nations as a violation of children's rights. The cost of the separations, which was revealed in a Health and Human Services Department report that members of Congress shared with The New York Times, is expected to rise, as more than 140 children are still in federal custody.

### **Trump Administration Quietly Backs Off on Deporting Vietnamese Immigrants**

[New York Times](#) [11/22/2018 8:20 AM, Charles D. Dunst, 22322K] reports the Trump administration has quietly backed away from its determination to deport certain Vietnamese immigrants who have been in the United States for years, a policy that had put the United States at odds with Vietnam and led to the resignation of the American ambassador there last year. Specifically in Vietnam's case, that country and the United States had signed an agreement in 2008 that Vietnamese who had arrived before July 12, 1995 – the date the formerly warring countries re-established diplomatic relations – could not be deported. Most of those immigrants had come to the United States as a result of the Vietnam War. The Trump administration unilaterally decided to reinterpret the agreement, saying that people convicted of crimes were not protected, according to American officials.

### **As Trump mulls firing the head of DHS, the agency's second top role is already empty**

[Quartz](#) [11/21/2018 4:28 PM, Ana Campoy and Heather Timmons] reports the U.S. Homeland Security Department hasn't had a deputy secretary since April. Now it doesn't even have an acting deputy secretary. Claire Grady, the career civil servant who had been doing the job on an interim basis after Elaine Duke stepped down, was officially taken off the role last week, the agency recently informed Congress. She had already served the

210-day limit on acting officers set by the federal Vacancies Act, a measure designed to put pressure on presidents to promptly nominate permanent staff. Unofficially, Grady will continue performing the deputy's duties. Officially, the second highest position at DHS is empty – at a time when the president is reportedly planning to vacate the top post. Several media outlets have reported that Trump is looking for a replacement for DHS chief Kirstjen Nielsen, whom he sees as weak on immigration enforcement.

### **Former ICE Chief Homan: The Ninth Circuit Doesn't Believe in the Rule of Law**

[Breitbart](#) [11/21/2018 6:22 PM, Pam Key, 2405K] reports Wednesday on Fox News Channel's "America's Newsroom," former Immigration and Customs Enforcement director Thomas Homan said judges in the 9th Circuit U.S. Court of Appeals didn't "believe in the rule of law." When asked about the judgment against Trump's attempt to refuse asylum to people who enter into the country illegally, Homan said, "Two weeks ago I told you this would happen. When the president first came out, I was asked by Fox News how long it would take to get a lawsuit. I said within 24 to 48 hours. The Ninth Circuit has shown over and over again that they don't believe in the rule of law. Look, the reason the caravan is here, to begin with, we have one Ninth Circuit court judge says we can't detain families more than 20 days. We have another Ninth Circuit judge saying you can't separate families. We have another Ninth Circuit judge saying you can violate laws of this country, enter this country illegally, which is a crime. For those who want to look it up, it's a crime to enter this country illegally. Your own cameras were inside the caravan. Many folks are saying they've been deported once before and are coming back when you re-enter the United States after being deported once that's a felony. We have more than 500 criminals in the group. We just open the gates. Now you can enter illegally, get the same due process as those who come through the port of entry doing it the right way."

[FOX News](#) [11/21/2018 1:07 PM, Staff, 1K, ME] reports that by issuing an injunction against President Trump's plan to refuse asylum to immigrants who illegally cross the border, the Ninth Circuit Court of Appeals is again demonstrating that they don't believe in the rule of law, says Tom Homan, former acting director of ICE. [Editorial note: consult source link for video]

### **[MA] Boston Police Has a Secret Point System That Turns Normal Teenage Behavior Into Gang Membership**

[ACLU](#) [11/21/2018 2:15 PM, Mary Holper and Claire Valentin] reports in the face of the Trump administration's stepped-up deportation efforts, officials in Boston and other progressive cities have declared their communities safe spaces for immigrants. But behind the scenes, progressive havens like Boston are facilitating the deportations of some of our most vulnerable young people. As the federal government's rhetoric and action around immigration have sharpened and hardened, young immigrants are being systematically slandered and deprived of their rights here in Massachusetts. Too many are inaccurately and unfairly alleged to be involved in gangs, according to a Boston Police Department database, and as a result, find themselves on the fast track to deportation. There's a lot we don't know about Boston Police Department's "gang database" — which is why this week, the ACLU of Massachusetts, the Children's Law Center of Massachusetts, and other groups filed a public records lawsuit to bring some transparency to the system. Here's what we do know: Being included in it can have dire consequences for a young person's life. We know the tragic impact gang violence has on communities where it occurs. In fact, many of our clients are youth who fled Central America to escape such horrific violence. But ironically,

they are now being detained or deported back to that violence merely because of who they are, who they know, and even what they wear. What is particularly troubling is that these Central American youth are being accused of gang membership using evidence no stronger than a house of cards. Without their knowledge, young people of color in Boston go about their lives, earning "points." Police officials decide what "points" apply to whom. You might be thinking: If the police say my client is a gang member, he must be. But the way police assign "points" enables law enforcement to label people as gang members even if they've never been suspected of any wrongdoing.

Despite the fact that Boston has proclaimed itself a safe city for immigrants, the Boston Police Department is collaborating with Immigration and Customs Enforcement by making information in its "gang database" available to federal immigration authorities. That's when we encounter the allegations: In immigration court, where a Department of Homeland Security prosecutor uses them as "evidence" that a client should be detained or deported. This system leads to false identifications. And in the immigration context, that has disastrous, life-altering consequences for some of the most vulnerable young people in Massachusetts. Recently, a young client showed up to a meeting at our office wearing a Chicago Bulls hat, a four-point offense. Although the Bulls are one of the most popular basketball teams in the world, we had to advise him to stop wearing the hat. The client said he understood, paused, and then asked if his other hats were still okay to wear. A sad thought crosses our minds when we have conversations like this with our clients: One way to protect them from being profiled, mislabeled by school police as gang members, and deported would be to advise them to stop attending school. Peer interactions can become the evidence against them in immigration court. In fact, it is hard to imagine how teenagers in neighborhoods that have a large population of Central American youth avoid being seen with "verified" gang members when there may be so many at their school, whose "verification" is unknown to them.

**[MA] Protesters gather at sheriff's home to decry arrests for ICE**

[Washington Times](#) [11/22/2018 9:47 AM, Associated Press, DC] reports that demonstrators have gathered outside the home of a Massachusetts sheriff to protest arrests his department has made to assist federal immigration authorities. About 20 protesters rallied in frigid temperatures Thursday morning outside the Dartmouth residence of Bristol Sheriff Thomas Hodgson, a Republican known for his hardline stances on immigration. They held banners that read, "Sheriff Hodgson, Stop Separating Families" and "Bristol County, End Your Agreements with ICE." Police said the protest was peaceable and no arrests were reported. Hodgson has been criticized for cooperating with the federal Immigrations and Customs Enforcement agency by ordering his deputies to detain people targeted by ICE for deportation. In June, he was named in a federal lawsuit.

**[TN] Memphis-area activists rally to fill void left by shifting U.S. immigration policies**

[Medium](#) [11/21/2018 10:27 PM, J. Dylan Sandifer, 13110K] reports in May, a group of transgender women arrived in Tijuana, Mexico, as part of the Pueblo Sin Fronteras caravan that had set out from Honduras a month prior. One of the members of the LGBTQ contingency, Brytani — whose last name will not be used for her safety — said although they had been received warmly throughout Mexico with food and messages of support, many hostels refused to let the transwomen stay once they arrived in that border city. The exception was Caritas, a migrant shelter. On the day Brytani and the others left to claim asylum — international protection from harm at home — persons unknown blocked



entrance to the hostel, locked the doors so no one could escape and set the shelter on fire. According to Brytani, a Garifuna (black, Afro-Caribbean) transwoman from Rio Esteban, Honduras, three of the workers who had helped them when others refused were burned. Over the past month, hundreds of migrants like Brytani have been suddenly released from U.S. Immigration and Customs Enforcement imprisonment each day, and activists are scrambling to create an ad hoc support infrastructure. Where the government's ever-shifting policies regarding migrants and asylum seekers create chaos, Memphians affiliated with networks like Showing Up For Racial Justice, Memphis Feminist Collective, Comunidades Unidas en Una Voz, Memphis Coalition of Concerned Citizens, Centro Cultural de Memphis and Immigrant Families Together have formed a group they are calling Migration Is Beautiful to create some semblance of benevolent organization.

**[TX] Asylum seekers blocked at Texas border bridges say Mexican officials are demanding money to let them pass**

[Los Angeles Times](#) [11/22/2018 3:00 AM, Molly Hennessy-Fiske, 3575K] reports asylum seekers funneled to bridge crossings at the Texas border are being blocked from approaching the U.S. side, forced onto waiting lists overseen by Mexican officials. The asylum seekers and immigrant-rights advocates say that has put them at risk of extortion, discrimination and deportation, with many telling of Mexican officials demanding money to let them pass and of watching others, further down the list, cross ahead of them. In Matamoros, a city across from Brownsville, Texas, the list is kept on a clipboard in an opaque blue plastic case on the newer of two border bridges. Though Mexican officials maintain the list, U.S. officers decide how many asylum seekers cross. An individual familiar with the Mexican immigration system who asked not to be identified for safety reasons said U.S. officials choose who crosses based on nationality and other characteristics. Last week, Mexican immigration officials notified four asylum seekers camped at the foot of the bridge for more than a month that it was their turn to cross. They had been near the top of the waiting list for days but had watched others jump ahead of them. Now they said teary goodbyes to about 20 migrants they had been staying with on cots under tarps. U.S. law says immigrants can present themselves to request asylum at border crossings or inside the country after entering illegally. But as thousands of Central Americans approached the border this month, President Trump announced that those crossing illegally would be denied asylum.

This week, a federal judge in San Francisco blocked that asylum ban. But the judge's ruling didn't address the administration's efforts to stop asylum seekers at southern border bridges. U.S. Customs and Border Protection officials say they have run out of space to process them at border holding areas, most of which they said house fewer than a hundred people. The agency has stationed officers at bridge midpoints to prevent asylum seekers from entering the U.S. The migrants must add their names to waiting lists in Mexico, a process U.S. officials call "queue management." A list was first used two years ago in Tijuana, prompting immigrant advocates to sue in California federal court, arguing the process illegally blocked asylum seekers. With the lawsuit pending, U.S. immigration officials expanded the system to busy crossings in Arizona and Texas. As of last week, waiting lists were being used at all major crossings in Texas, said Rick Pauza, a Laredo, Texas-based spokesman for U.S. Customs and Border Protection.

**[TX] Down on the border, Texas volunteers open their homes and hearts to asylum seekers**

[Los Angeles Times](#) [11/21/2018 2:20 PM, Molly Hennessy-Fiske, 3575K] reports tugging wagons loaded with chicken dinners, blankets, coats and shoes, Mike Benavides and his partner, Sergio Cordova, guided half a dozen volunteers across the bridge from Texas into one of Mexico's most dangerous states. They walked past Mexican customs and headed to a group of about two dozen migrants camping under tarps at the foot of the bridge. The volunteers had brought them the tarps. It's a routine repeated every evening as the volunteers enter Mexico to feed and clothe the stranded asylum seekers. U.S. Customs officers stationed at the center of the bridge wave volunteers through but keep asylum seekers from entering the country. Mexican immigration officials instruct the migrants to add their names to a waiting list that has now stretched to 80 people. The lucky ones would be allowed to cross the bridge, be held in immigration detention and then released at the bus station in neighboring Brownsville, Texas. Asylum seekers surged into Matamoros and surrounding Tamaulipas state even before a migrant caravan arrived in Tijuana last week. With attention focused on the caravan, asylum seekers here say they've languished. Some of the U.S. volunteers like Cordova hadn't crossed the bridge in more than a decade. Now, Cordova said, it's a daily mission. "If we're not going to the bus station or the bridges, we're sorting clothes. There's no free time." He and Benavides started crossing to help the migrants after volunteering at the bus station in nearby McAllen in July. Separated due to the Trump administration's "zero tolerance" policy, migrants were being dropped off there by Immigration and Customs Enforcement with notices to appear in immigration court.

**[TX] Thanksgiving in immigration shelters as number of detained children hits record**  
[Houston Chronicle](#) [11/21/2018 1:00 AM, Lomi Kriel, 170K, TX] reports the boys fidgeted quietly on the courtroom bench, spotless in ties and matching button-up pastel shirts – donations, presumably, from the federal shelters in which many of them have been detained alone for weeks. They are part of a record 14,030 immigrant children in shelters across the country as of Nov. 15, including more than 5,600 in Texas, according to new federal and state statistics released this week. It is almost three times the number of children in federal detention a year ago, and more than during the Central American child crisis in 2014 that marked the beginning of the exodus from the so-called Northern Triangle countries. The government has had to scramble for more space to hold the children, including placing about 1,800 in a West Texas tent camp. A proposed shelter in downtown Houston is under litigation, with Southwest Key Programs, a Texas nonprofit housing many of the nation's immigrant children under more than \$400 million in federal contracts, accusing the city of wrongly blocking its efforts.

**[CA] 'It's not right.' Advocates want Merced Sheriff to sever all ties to ICE**  
[Merced Sun-Star](#) [11/21/2018 2:23 PM, Thaddeus Miller, 22K, CA] reports that advocates for undocumented immigrants in Merced County remain skeptical about how closely the Merced County Sheriff's Office works with the U.S. Immigration and Customs Enforcement despite Sheriff Vern Warnke's assurances he's upholding California law. Warnke said deputies would only hold an inmate for the federal agency commonly called ICE if agents make requests related to federal warrants. The Sheriff's Office complies with the Assembly Bill 2792, the Transparent Review of Unjust Transfers and Holds Act, he said this week. "The Merced County Sheriff's Office does not conduct investigations regarding a citizen's immigration status whether on patrol or in the corrections environment," Warnke said.

ICE submitted 194 requests in 2017 to detain undocumented immigrants at the Merced County Jail, according to numbers from Warnke. Sixty-six inmates were arrested by ICE

agents after release from the jail last year, but zero were interviewed inside the jail, he said. The Merced County Jail's website sometimes lists scheduled release dates for inmates. The Sheriff's Office never notified ICE in 2017 that an inmate would be released prior to informing the general public, Warnke said. That doesn't seem to match up with the statistics, according to advocates like Tanya Golash-Boza, a sociology professor at UC Merced.

## Legal News

### **Why Big Law Is Taking on Trump Over Immigration**

[New York Times](#) [11/21/2018 12:43 PM, Annie Correal, 22322K] reports corporate lawyers at Paul Weiss, a prestigious Manhattan law firm, often spend their days scouring the fine print of client documents and government regulations. In the firm's Midtown offices, about 75 lawyers have been trying to find more than 400 parents who were separated from their families at the southern border this year and then deported without their children. Paul Weiss, where partners charge more than \$1,000 an hour and clients include the National Football League and Citigroup, is looking for these parents, pro bono, as part of a federal American Civil Liberties Union lawsuit against the Trump administration over its family separation policy.

While pro bono work is nothing new, over the past two years, major law firms have become more vocal and visible in pushing back against the administration's policies. Top firms have a well-earned reputation as cautious defenders of the establishment, and immigration is generally considered a safe area for pro bono work because it rarely conflicts with corporate clients. Still, both supporters and critics of the president's agenda have noticed that large firms have been behind several of the biggest court battles.

### **[NY] Sunnyside attorney made phony immigration documents: Prosecutors**

[Times Ledger](#) [11/23/2018 12:00 AM, Emily Davenport, 6K, NY] reports federal jurors convicted a Sunnyside immigration lawyer on charges of operating a large-scale asylum fraud scheme, prosecutors announced Monday. Andreea Dumitru – also known as Andreea Dumitru Parcalaboiu, 43 – was found guilty of one count of asylum fraud, one count of making false statements and one count of aggravated identity theft. According to court filings, between March 27, 2013, and 2017, Dumitru knowingly submitted more than 100 applications where she made false statements and representations about the applicants' personal narratives of alleged persecution, criminal histories, and travel histories, among other things.

### **[NJ] New Jersey Governor Allocates \$2.1 Million in Tax Dollars to Defend Illegal Aliens in Court**

[Breitbart](#) [11/21/2018 1:20 PM, Katherine Rodriguez, 2405K] reports New Jersey Gov. Phil Murphy announced Monday he would be setting aside more than \$2 million in taxpayer funds to defend illegal aliens who are facing deportation proceedings. The governor's budget agreement allocates \$2.1 million towards several legal aid groups for low-income people, setting aside \$925,000 to Legal Services of New Jersey and the American Friends Service Committee, and \$125,000 to each of New Jersey's two law schools – Rutgers Law School and Seton Hall University Law School. Murphy announced the funds would come from the state's budget for the current fiscal year hours before a federal judge appointed by

former President Barack Obama blocked the Trump administration's order to deny asylum to people who illegally cross the U.S.-Mexico border. Although U.S. Immigration and Customs Enforcement does not release data on how many illegal aliens are detained in New Jersey, the agency does have a record of how many requests to deport illegal aliens had not been honored. One New Jersey county jail had a record of refusing 92 immigration detainer requests for criminal illegal aliens to be deported.

#### **[NJ] Legal aid for immigrants the American way**

[Daily Record](#) [11/21/2018 2:40 PM, Editorial, Staff, NJ] reports these are scary days to be an undocumented immigrant in America. In the Trump era, amid stepped-up immigration enforcement and attempts to deport almost anyone without proper papers, people who have lived and worked in New Jersey for decades, and contributed to its economy and social milieu, now find themselves fearful of being stopped for minor traffic offenses, or even of accepting a personal check for yard work or construction jobs. Immigrants who have made this state their home, and whose children have been educated in New Jersey's schools, now have every reason to believe they could be deported any day. This week the state announced that it will be joining California and New York in helping undocumented residents avoid deportation by providing taxpayer-funded legal aid — totaling \$2.1 million in state grants — to those who cannot afford private attorneys. The money was included as part of the \$37.4 billion state budget Gov. Phil Murphy signed in July. Under the grant agreement, legal representation will be offered through a consortium of providers. The principal contractor, Legal Services of New Jersey, will be given \$925,000 to provide services to eligible immigrants, and an additional \$925,000 will go to American Friends Service Committee, a Newark-based immigration advocacy group. The law school clinics at Rutgers University and Seton Hall University will each receive \$125,000.

#### **[TX] ICE denies retaliating against detainee moved from Taylor**

[Austin American-Statesman](#) [11/21/2018 4:20 PM, Claire Osborn, 134K, TX] reports U.S. Immigration and Customs Enforcement officials on Wednesday dismissed allegations of retaliation from an immigrant rights group related to an asylum seeker who was transferred from Taylor to Laredo after a visit from a city council member. Taylor City Council member Mitch Drummond visited Melvin Griselda Cruz-Lopez at the T. Don Hutto Residential Center in Taylor on Nov. 14. The next day, she was told she would be transferred to Laredo, according to a news release from Grassroots Leadership. Immigration officials, however, said the transfer was not made in retaliation to the visit, which activists said Drummond made after hearing from concerned community members. "Transfers in ICE custody are made by authorized officials on the basis of complete and accurate case information, as outlined in ICE detention standards," ICE officials said in a news release on Wednesday. "The allegations of retaliatory practices in Ms. Lopez' case are without merit."

The [Austin American-Statesman](#) [11/21/2018 2:41 PM, Claire Osborn, 134K, TX] further reports immigration officials have responded to an allegation by an immigrants advocacy group involving a woman held in detention in Taylor. ICE officials have arrested Melvin Griselda Cruz-Lopez of El Salvador at least twice for illegally entering the United States, a news release Thursday from the federal agency said. The release ICE issued Thursday said immigration officials first encountered Cruz-Lopez near Douglas, Ariz., in February 2005 and that a federal judge ordered her deportation in April 2005 even though she wasn't at the hearing. ICE officials later arrested her in October 2017 and she was deported to El Salvador in November 2017, the release said. It said immigration officials arrested her again

Jan. 27, 2018, when she illegally re-entered the country near Hidalgo. An immigration judge issued a removal order for her Oct. 5 but she remains in ICE custody pending her appeal to the Board of Immigration Appeals, the ICE release said. Cruz-Lopez's attorney, however, had filed an asylum appeal last week.

**[GA] Immigration lawyer finds home in shadow of giant Ga. detention center**

[Atlanta Journal-Constitution](#) [11/22/2018 2:30 PM, Jeremy Redmon, GA] reports just outside this sleepy southwest Georgia city sits Stewart Detention Center, a sprawling red and gray complex rimmed with barbed wire. The largest immigration detention center east of the Mississippi River with room for 1,900 detainees, it has locked up people from more than 140 countries and nearly every continent. Yet there is just one immigration attorney permanently based in this isolated part of the state some 140 miles south of Atlanta: Marty Rosenbluth, a 60-year-old former trade union organizer from New York City who bought a little white house here last year. There is no shortage of work, nor is the work easy. The backlog of federal immigration court cases tops a million nationwide and the judges in Lumpkin deny more than 90 percent of the asylum requests they hear, according to one study. Rosenbluth feels nervous every time he passes through Stewart's rattling gates and into the small immigration court inside, where he represents people who say they are fleeing persecution. Bookish and bespectacled, he got a phoenix and a dragon tattooed on his back to feel stronger.

**[MI] Angry judge in Michigan orders Iraqi detainees released, blasts government**

[NBC News](#) [11/21/2018 10:16 AM, Lisa Riordan Seville, 3539K] reports that a federal judge in Michigan ordered the release of about 100 Iraqi detainees Tuesday, blasting the government for submitting false statements and saying he plans to issue sanctions. U.S. District Judge Mark Goldsmith said delays by the government in responding to court orders and producing documents in response to a class action lawsuit had "shattered" the families of detained Iraqis facing deportation. "From the earliest stages of this case," he wrote, "the Government made demonstrably false statements to the Court designed to delay the proceedings." The ruling is the latest in a series of judicial rebukes to the Trump administration's immigration policies, including this week's battle over the administration's new asylum policy. The American Civil Liberties Union of Michigan, which represents the Iraqis, has claimed that Immigration and Customs Enforcement lied to the court in order to keep the Iraqis in custody.

**[AZ] Border Patrol Agent Who Shot Mexican Teenager Is Acquitted of Involuntary Manslaughter**

[New York Times](#) [11/21/2018 11:24 PM, Julia Jacobs] reports that a Border Patrol agent who shot and killed a Mexican teenager from across the border in Arizona was acquitted Wednesday of involuntary manslaughter in a case that has drawn national attention amid heightened debate over immigration. In 2012, the border guard, Lonnie Swartz, opened fire into the Mexican city of Nogales, killing 16-year-old José Antonio Elena Rodríguez. A jury found Mr. Swartz not guilty of second-degree murder in April but deadlocked on manslaughter charges, prompting another trial. In court on Wednesday, the jury found Mr. Swartz not guilty of involuntary manslaughter, but it did not make a decision on voluntary manslaughter, according to court documents. Next month, a judge from the United States District Court in Arizona will decide the status of the voluntary manslaughter charge, which the jury's verdict left in question. In a statement, Elizabeth A. Strange, the first assistant United States attorney, said the prosecutors "fully respect" the jury's verdict.



### **[CA] Cambodian Faces Legal Battle to Remain in U.S. After Release From Jail**

[Voice of America](#) [11/22/2018 12:27 PM, Staff, 2K, DC] reports Phal Sok was not born in Cambodia and has never visited the country. He has lived in the United States for 37 years, almost half of which he has spent in prison. He never became a U.S. citizen. Sok is now facing a legal battle to remain in the United States, the only country he has ever known. Sok says he has been in contact with U.S. Immigration and Customs Enforcement (ICE) and requested his case be dropped, but expects he may have to take it to court. "I've filed for the proceeding to be dropped. Once it is dropped and I have my Green Card back, I can apply for U.S. citizenship," he says. [Editorial note: consult source link for video]

## **Enforcement News**

### **[CT] Nelson Pinos Denied Stay Of Deportation**

[New Haven Independent](#) [11/22/2018 9:50 AM, Staff, 12K, CT] reports that last Thanksgiving Eve, an Ecuadorian man living in a downtown sanctuary church won a surprise reprieve and went free. This Thanksgiving Eve, an Ecuadorian man living in the same downtown sanctuary church, Nelson Pinos, wasn't as fortunate. The Boston office of Immigration and Customs Enforcement issued Pinos a one-sentence notice rejecting his request for a stay of deportation, according to his supporters. So Pinos will spend Thanksgiving and the foreseeable future continuing to be confined to the First & Summerfield Church across from the Green at the corner of College and Elm streets.

[NECN](#) [11/21/2018 11:10 PM, Staff, 55K] reports ICE says Pinos continues to evade immigration enforcement by staying at the church, which is considered a sensitive location and a place the agency will not enter to enforce deportation. The agency says while Pinos has a legal appeal pending in court, there is no change in his status as of this point.

### **[VA] ICE agents accused of intentionally stalling detained immigrant's marriage paperwork before hearing**

[ThinkProgress](#) [11/21/2018 2:00 PM, Alan Pyke, 480K, DC] reports Jose Sanchez thought he was just going out for a sandwich. So did his partner, Susan, who didn't know yet that she was pregnant. ICE agents scooped Sanchez up at the sandwich shop in Washington, D.C. that July afternoon, 14 years after he'd first arrived in the United States as a young teenager from El Salvador. Now, Susan said, she's going to doctor's visits alone, working extra shifts to keep the lights on, help Jose fight deportation, and pay for phone calls from the Virginia detention facility where he's being held by Immigration and Customs Enforcement, pending a December 7 hearing before an immigration judge. ICE has used Sanchez's full-sleeve tattoos – a common thing among D.C.'s food industry workers – to accuse him of being gang affiliated, and convince a judge to hold him without bond. Sanchez has no gang connections but the tattoos-as-evidence thing fits a pattern of paper-thin gang allegations from ICE, according to Julie Mao, an attorney with the National Immigration Project of the National Lawyer's Guild who is trying to help Sanchez find representation before his hearing date.

Susan and Jose had been talking about moving in together before his arrest, and decided to marry after Susan realized she was pregnant. The paperwork they need to formalize their union has been returned without the necessary notarization from the Farmville facility's in-house notary public, leaving Jose and Susan without a crucial legal argument as the days tick down toward his hearing. If the two are married, Mao said, the duration of their

relationship and the fact of Susan's pregnancy would likely clear the immigration courts' hurdles for finding a marriage bonafide, and thus allow Jose to seek the cancellation of his removal order. Even though ICE approved Jose's request in October to get married inside the Farmville detention center, without the legal and bureaucratic details squared away, the court would likely ignore their relationship in deciding his fate. Whether a stalling tactic or a good-faith error, Jose and Susan's inability to get a notarized original copy of the license application to the relevant officials in Prince William County is likely to result in his abrupt removal from the country he's called home for half his life, leaving Susan alone for the duration of her pregnancy.

**[FL] 2 sons of former Panama president detained in U.S.**

[Washington Post](#) [11/21/2018 9:03 PM, Associated Press] reports officials confirmed Wednesday that two sons of former President Ricardo Martinelli have been detained in the United States. U.S. Immigration and Customs Enforcement confirmed that Ricardo Martinelli Linares and Luis Enrique Martinelli Linares had been detained in a raid in the Coral Gables neighborhood of Miami on Tuesday and were being held pending deportation proceedings. "Both men lawfully entered the U.S.; however, their visas were revoked in 2017, and they have been unlawfully present in the U.S. since that time," ICE said in a statement. Both are being sought on corruption charges in Panama, though Panama Attorney General Kenia Porcell told local media she didn't know if that was why they were detained in Miami. Former President Ricardo Martinelli governed Panama from 2009 to 2014. He was extradited from the U.S. earlier this year to face political espionage and embezzlement charges.

Reported similarly: [Breitbart](#) [11/21/2018 7:39 PM, Staff, 2405K]

**[MO] Shawnee man's arrest by ICE has effects in Gambia, where his business supports many**

[Kansas City Star](#) [11/21/2018 4:23 PM, Matt Campbell, 272K, MO] reports that a Shawnee man known for shipping bicycles and other goods to grateful people in his native Gambia is now sitting in an Ozarks jail cell, waiting to be told when he is going to be booted out of the United States. Meanwhile, friends and family of Abdoulie Fatajo both here and in the west African country are left wondering what they would do without him. Fatajo came to the United States on a student visa in 1999 and started a business that now includes warehouses and several full-time and temporary employees. He has a teenage son who was born here and is currently with his mother. Fajato also has a fiancée here. But now he is caught in the grip of immigration enforcement. Fatajo on Tuesday retained Overland Park immigration lawyer J. Bradley Pace, who said he would apply for a stay of removal. That would not trigger a hearing but it would lead to a review by Immigration and Customs Enforcement.

The [Kansas City Star](#) [11/21/2018 4:23 PM, Editorial Board, 272K, MO] reports that three years ago, The Star wrote about Gambia-born, Shawnee-based philanthropist Abdoulie Fatajo and his small bike repair and consignment shop, Hy-5 Traders. Fatajo was repairing bikes for next to nothing, donating them to local parents who couldn't afford to buy them for their children and shipping some of the bikes he repaired back to Gambia. They're a main method of transportation there and are prohibitively expensive. Fatajo has been arrested by Immigrations and Customs Enforcement. Since Nov. 9, he's been held at the Morgan County Detention Center in Versailles, Missouri. The Trump administration has replaced the

previous policy of prioritizing the arrest of those undocumented immigrants who have committed crimes with one in which anyone without a visa can be arrested at any time.

**[IA] WC man gets federal prison term for illegal reentry**

[Fort Dodge Messenger](#) [11/22/2018 5:18 AM, Peter Kaspari, 8K, IA] further reports that a Guatemalan man who was living in Webster City has pleaded guilty to illegally reentering the United States. Jorvic Mendez-Mendez, 26, was sentenced to four months in prison Tuesday. He received the sentence in U.S. District Court in Cedar Rapids after pleading guilty to one count of illegal reentry into the United States on Aug. 23. The United States attorney's office, Northern District of Iowa, stated that Mendez admitted that he had previously been deported from the U.S. in April 2012. He later reentered the country without permission from the U.S. government. In July 2018, the U.S. attorney's office said Mendez was charged with driving while barred in Franklin County. That's when he was brought to the attention of immigration agents. During his plea hearing, Mendez admitted he returned to the U.S. illegally in 2014. Mendez must also serve a one-year term of supervised release once he completes his prison term. The Department of Homeland Security and Immigration and Customs Enforcement, Enforcement and Removal Operations, investigated the case.

**[TX] Illegal Immigrant Deported 2 Years Ago Charged in Murder of Texas Clerk**

[Epoch Times](#) [11/21/2018 8:39 PM, Zachary Stieber, 206K] reports an illegal alien who was deported two years ago has been arrested in Houston, Texas, and charged with the murder of a Houston store clerk. Jose Bonilla-Ortiz, 18, was arrested on Nov. 17 at an apartment he was living in two miles north of the Metro Food Mart, where he's accused of killing another immigrant, Faruk Bhuiya of Bangladesh, the Houston Police Department said. Two men wearing hooded sweatshirts rushed into the convenience store on Nov. 10 and killed Bhuiya before robbing the store. Bonilla-Ortiz was deported in 2016, according to prosecutors, and Immigration and Customs Enforcement has placed an immigration hold on him, reported KPRC. His bond was set at \$250,000 but he can't post bond under the hold.

In October, a Virginia couple said that an illegal alien who murdered their daughter, who was his wife, had duped the girl into marrying him. In some cases, illegal aliens who have been released on bond due to jurisdictions who refuse to work with ICE have committed additional crimes, undercutting the arguments in favor of sanctuary cities and states and against harsher immigration enforcement. In one such case in late October, an illegal alien from Mexico was arrested for murdering his wife but was only able to commit the crime after authorities in Oregon, a sanctuary state, released him following a prior arrest for allegedly assaulting his wife, and ignoring a hold request by ICE officials. "Sanctuary policies not only provide a refuge for illegal aliens, but they also shield criminal aliens who prey on people in their own and other communities," the agency said in a statement.

**[TX] MS-13 gang members deported from Houston by ICE agents**

[Houston Chronicle](#) [11/21/2018 10:19 AM, Staff, 3350K, TX] reports Houston federal immigration agents have deported five undocumented fugitives including four MS-13 gang members wanted for serious crimes in El Salvador including murder and kidnapping, the agency confirmed. Jose David Umanzor-Hernandez, 26, was wanted for aggravated homicide and criminal associations. Ever Rafael Roca-Ruiz, 24, was wanted for aggravated homicide. Milessa Carolina Cortez-Granados, 22, was wanted for attempted aggravated murder and terrorist organizations. Pedro Antonio Cruz Rodriguez, 20, was wanted for aggravated homicide, terrorist organizations and aggravated deprivation of liberty. Kevin

Brandon Aragon Luna, 20, was wanted for terrorist organizations. ICE agents turned the five over to members of the national police at the Monsenor Oscar Arnulfo Romero International Airport in El Salvador.

[KPRC 2](#) [11/21/2018 2:40 PM, Sandra Gonzalez, 169K, TX] reports ICE said four of the five were known members the criminal street gang, MS-13. The five were transported on a charter flight from Bush Intercontinental Airport to Monseñor Óscar Arnulfo Romero International Airport in San Salvador. ICE said the fugitives were taken to the Policia Nacional Civil for arrest. The men who were sent to El Salvador were: Jose David Umanzor-Hernandez, 26, wanted for aggravated homicide and criminal associations; Ever Rafael Roca-Ruiz, 24, wanted for aggravated homicide; Milessa Carolina Cortez-Granados, 22, wanted for attempted aggravated murder and terrorist organizations; Pedro Antonio Cruz Rodriguez, 20, wanted for aggravated homicide, terrorist organizations and aggravated deprivation of liberty; Kevin Brandon Aragon Luna, 20, was wanted for terrorist organizations.

#### **[TX] Harris Among Top Texas Counties For Deportation Of Illegals In 2018**

[KTRH-AM](#) [11/21/2018 10:41 AM, Rachel Estrada, 5K, TX] reports a recent study says Harris County is one of the state's top counties for arrests and deportations by Immigration and Customs Enforcement. The study from Syracuse University ranked Texas first in the U.S., averaging nearly 1,800 deportations a month between October of last year and June of this year. The Texas counties where the most deportations occurred were El Paso, Harris, Dallas and Hidalgo. In Harris County, ICE made nearly 6,300 arrests and deported almost 1,900 people in fiscal year 2018.

#### **[WA] Immigration detainee taken to Tacoma hospital last week remains on life support**

[Tacoma News Tribune](#) [11/22/2018 4:31 PM, Sean Robinson, 59K, WA] reports Russian asylum seeker held at the Northwest Detention Center in Tacoma since about January remains on life support at St. Joseph's Medical Center, after a reported suicide attempt Nov. 15. Amar Mergensana, 40, was transported to the hospital after police responded to a 911 call from the Tideflats facility, spokeswoman Loretta Cool said. Activists who monitor the privately owned immigration facility say Mergensana had been on a long-term hunger strike, and have called for his release from detention. The activists announced last week that Mergansana had died. U.S. Immigration and Customs Enforcement has issued multiple statements regarding Mergansana's status. "An ICE detainee was transported to the hospital on the evening of Nov. 15," said ICE spokeswoman Tanya Roman said last week. "He is currently receiving medical treatment. The medical condition he is being treated for is not a result of a hunger strike. Due to privacy concerns, I am unable to comment further."

#### **[OR] Man pleads guilty to bribing ICE agent to deport wife and her daughter**

[FOX News](#) [11/22/2018 5:09 AM, Louis Casiano, 10787K] reports a Portland, Oregon man looking to get rid of his estranged wife pleaded guilty Tuesday to offering a U.S. Immigration and Customs Enforcement agent several thousand dollars to deport her and her daughter from a previous relationship. Antonio Oswaldo Burgos, 48, pleaded guilty to one of three counts of bribery of a public official in exchange for a reduced sentence, according to a Justice Department news release. Prosecutors said Burgos followed an ICE agent a short distance from Portland to a Vancouver, Washington, parking lot on May 24 and allegedly offered money in exchange for the deportation of his wife back to El Salvador. The agent

declined the offer but set up a sting and called Burgos the next week and recorded the conversation. On the call, Burgos offered the agent \$3,000 to remove his wife from the U.S., prosecutors said. He repeated the offer in a second phone call that week. On June 6, they arranged to meet in person, during which Burgos offered \$4,000 to deport his wife and her child. "We rely upon our officers to perform their duties with integrity," said Brad Bench, Special Agent in Charge for Homeland Security Investigations in Seattle. "Because of the deportation officer's actions, Burgos is being brought to justice. This case should send a strong message that those who attempt to coerce a public official will be punished."

[U.S. News & World Report](#) [11/21/2018 7:50 AM, Associated Press] reports Antonio Burgos will be sentenced in May.

Reported similarly:

[NBC News](#) [11/21/2018 10:39 PM, Staff, 3539K]

[NBC Philadelphia](#) [11/22/2018 1:17 AM, Staff, 71K, PA]

**{End of Report}**





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Executive Office for Immigration Review  
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**Monday, Nov. 26, 2018**

## **Policy and Legislative News**

Deal with Mexico paves way for asylum overhaul at U.S. border ..... 3

Trump says asylum seekers to wait in Mexico, incoming government denies .. 3

For Trump, the risks of letting asylum seekers 'remain in Mexico' ..... 5

First caravan-related violence reported in U.S. as rocks thrown at Border Patrol ..... 5

U.S. closes major crossing as caravan migrants mass at border in Mexico..... 5

Migrants in Tijuana Run to U.S. Border, but Fall Back in Face of Tear Gas ..... 6

'There Are Sick Children Here': Frustrated Migrants March to Border, Demand to Be Let Into U.S. .... 7

Mexico to immediately deport 500 migrants who 'violently and illegally' tried to cross U.S. border..... 7

Crime menaces migrants on Mexico border as Tijuana declares crisis ..... 7

Migrants Report Mexican Officials Seek Money to Allow U.S. Border Access ..... 8

Report: John Kelly, Kirstjen Nielsen Opposed Trump Broadening Military's Power at Border ..... 8

Critics Say The Caravan's Confrontation At The Border Is Trump's Fault ..... 9

Former ICE Director Blames Congress for Migrant Caravan: 'They Have Failed the American People' ..... 9

Trump 'has no legal authority' to make asylum-seekers stay in Mexico ..... 10

Q&A: A look at whys and hows of hopeful U.S. asylum-seekers ..... 10

Cummings: Asylum-seekers should be allowed in U.S. .... 10

Immigrants have a right to seek asylum. It's the law ..... 11

Some families split up at border still detained months later ..... 11

Trump attacks 'Fake 60 Minutes' for 'phony story' on family separations at the border ..... 12

Record 14,000 unaccompanied immigrant children in U.S. custody, HHS confirms ..... 12

Homeland Security wanted to help track separated families at the border — but the White House said no ..... 12

Family separations at border began earlier than White House initially announced: report.....	13
Young immigrant centers are plagued by safety threats .....	13
For Central Americans, kids open path to the U.S. — and bring a discount.....	13
Is there really a legal case for ending birthright citizenship? .....	14
Border Patrol trainees prepare to enter one of the country's fiercest political battles .....	14
Trump renews call for border wall as more migrants arrive in Tijuana .....	15
Trump Super PAC Calls on Congress to Fund the Wall .....	15
[TX] In South Texas, Border Residents Struggle to Cope With the Latest Military Surge.....	15
[OR] Email from NORCOR : Jail released inmates for ICE .....	16
[CA] Migrant mother falls trying to climb U.S.-Mexico border fence.....	16

## Legal News

Federal Court Allows Challenge to Government Policy of Using Detained Immigrant Children as Bait to Arrest Families.....	17
[MA] Bristol County courts, jail now video conferencing bail reviews.....	17
[MA] ACLU hits back at Gross over lawsuit seeking data Boston police give ICE .....	18
[CT] Undocumented immigrants see different results from ICE .....	18
[PA] Pa. woman who overstayed visa, married and has been detained offered a bond hearing .....	19
[GA] A Guatemalan Mother Could Lose Her Daughter, Because She's an American.....	19

[KS] First hearing scheduled in reopened immigration case of Lawrence scientist .....	20
[OR] Man pleads guilty to trying to bribe Oregon ICE agent to deport his wife, her daughter .....	20
[CA] Illegal Alien Deported 15 Times Sits in American Jail 1.5 Years as Hit-and-Run Case Delays Sentencing .....	21

## Enforcement News

[ME] Pakistani man ordered to leave U.S. gets 8 months in prison .....	21
[CT] After Norwalk father watches son play in Babe Ruth World Series, an immigration checkpoint changes everything.....	21
[NY] A New York synagogue fights to defend one of its own from deportation .....	22
[NJ] Trenton illegal immigrant child molester gets 12 years for sick crime..	22
[MD] Previously Deported Illegal Alien, with Two Anchor Babies, Gets 25 Years for Raping Deaf Woman .....	23
[NC] Singing 'Amazing Grace,' a church surrounded an ICE van to stop an arrest. 27 were jailed. ....	23
[FL] ICE Detains Sons Of Allegedly Corrupt Ex-Panama President In Coral Gables.....	24
[WI] Forum Grapples With Fallout from ICE Raids .....	25
[IA] Guatemalan man sent to prison for illegally reentering the United States to live in Webster City .....	25
[TX] Family of teacher killed, learns suspect had criminal past and in U.S. illegally .....	25
[KS] Kan. man whose business helped his native Gambia faces deportation ...	26
[WA] Russian asylum-seeker dies after going on hunger strike while in ICE detention in Tacoma .....	26

## Policy and Legislative News

### **Deal with Mexico paves way for asylum overhaul at U.S. border**

[Washington Post](#) [11/24/2018 9:30 PM, Joshua Partlow and Nick Miroff, 11653K] reports the Trump administration has won the support of Mexico's incoming government for a plan to remake U.S. border policy by requiring asylum seekers to wait in Mexico while their claims move through U.S. courts, according to Mexican officials and senior members of President-elect Andres Manuel Lopez Obrador's transition team. The agreement would break with long-standing asylum rules and place a formidable barrier in the path of Central American migrants attempting to reach the United States and escape poverty and violence. According to outlines of the plan, known as Remain in Mexico, asylum applicants at the border will have to stay in Mexico while their cases are processed, potentially ending the system, which Trump decries as "catch and release," that has generally allowed those seeking refuge to wait on safer U.S. soil. The deal took shape last week in Houston during a meeting between Marcelo Ebrard, Mexico's incoming foreign minister, and top U.S. officials such as Secretary of State Mike Pompeo and Homeland Security Secretary Kirstjen Nielsen, according to U.S. and Mexican officials. Dozens of U.S. asylum officers have been sent to San Diego where they will begin implementing the procedures in coming days or weeks, according to Department of Homeland Security officials. U.S. immigration statistics show roughly 80 percent of Central Americans pass a perfunctory "credible fear" interview after reaching the United States, but fewer than 10 percent are ultimately granted asylum by a judge. The backlog of cases in U.S. immigration courts has ballooned past 750,000, giving many asylum seekers who do not qualify a chance to remain in the country for several years while waiting to see a judge.

[Politico](#) [11/24/2018 7:43 PM, Ian Kullgren] reports that James McCament, the Homeland Security Department's acting undersecretary for policy, said the U.S. "has been working jointly with the current Mexican government and the incoming administration of López Obrador to identify and address shared issues of concern," but didn't address the asylum plan specifically.

Reported similarly:

[New York Times](#) [11/24/2018 5:55 PM, Azam Ahmed and Kirk Semple]

[Wall Street Journal](#) [11/24/2018 9:05 PM, Juan Montes, Robbie Whelan and S. Perez]

[The Hill](#) [11/24/2018 12:49 PM, Tal Axelrod, 2630K]

[MSNBC](#) [11/24/2018 3:52 PM, Julia Ainsley, 1177K]

[MSNBC](#) [11/24/2018 3:30 PM, Velshi and Ruhle, 1177K]

[USA Today](#) [11/24/2018 1:35 PM, Doug Stanglin]

[ThinkProgress](#) [11/24/2018 3:34 PM, Melanie Schmitz, 480K]

[Townhall](#) [11/24/2018 10:57 AM, Timothy Meads, 348K]

[The Daily Caller](#) [11/24/2018 4:20 PM, David Krayden, 909K, DC]

[Washington Times](#) [11/24/2018 1:05 PM, Andrew Blake, 547K, DC]

### **Trump says asylum seekers to wait in Mexico, incoming government denies**

[Reuters](#) [11/24/2018 2:16 PM, Staff] reports that U.S. President Donald Trump tweeted on Saturday that migrants at the U.S.-Mexico border would stay in Mexico until their asylum claims were individually approved in U.S. courts, but Mexico's incoming government denied

they had struck any deal. Mexico's incoming interior minister said there was "no agreement of any type between the future government of Mexico and the United States." Olga Sanchez Cordero, also the top domestic policy official for president-elect Andres Manuel Lopez Obrador who takes office on Dec. 1, told Reuters that the incoming government was in talks with the United States but emphasized that they could not make any agreement since they were not yet in government. Sanchez ruled out that Mexico would be declared a "safe third country" for asylum claimants, following a Washington Post report of a deal with the Trump administration known as "Remain in Mexico," which quoted her calling it a "short-term solution."

The plan, according to the newspaper, foresees migrants staying in Mexico while their asylum claims in the United States are being processed, potentially ending a system Trump decries as "catch and release" that has until now often allowed those seeking refuge to wait on safer U.S. soil. "Migrants at the Southern Border will not be allowed into the United States until their claims are individually approved in court. We only will allow those who come into our Country legally. Other than that our very strong policy is Catch and Detain. No "Releasing" into the U.S.," Trump said in a tweet late Saturday. "All will stay in Mexico," Trump added in second tweet, that also threatened to close the U.S. southern border if necessary.

[NBC News](#) [11/25/2018 2:27 PM, Julia Ainsley and Annie Rose Ramos, 3539K] reports that on Saturday afternoon, Jesus Ramirez Cuevas, a spokesman for recently elected Mexican President Andres Manuel Lopez Obrador, denied to NBC News any such agreement and insisted talks of such a deal were premature. [Editorial note: consult source link for video]

The [New York Post](#) [11/25/2018 2:10 AM, Mary Kay Linge, NY] reports that the plan had been negotiated last week by Secretary of State Mike Pompeo, Homeland Security Secretary Kirstjen Nielsen and other U.S. officials during a meeting in Houston with reps of Mexican President-elect Andrés Manuel López Obrador, according to The Washington Post. But by Saturday night, Mexico's incoming government was denying that any such plan had been finalized.

[The Daily Caller](#) [11/25/2018 10:36 AM, Chris White, 909K, DC] reports Trump tweeted Sunday; "Dems created this problem. No crossings!" Trump did not explain why he thinks Democrats are responsible for the caravan. Conservatives often blame the influx of refugees on so-called "catch and release," a nearly decade-old policy releasing asylum seekers who enter the country illegally while their cases are pending.

Reported similarly:

[Bloomberg](#) [11/25/2018 1:58 PM, Elizabeth Dexheimer and Amy Stillman]

[The Hill](#) [11/25/2018 8:41 AM, Brett Samuels, 2630K]

[Huffington Post](#) [11/25/2018 7:33 AM, Dominique Mosbergen, 9094K]

[CBS News](#) [11/25/2018 9:40 AM, Staff]

[CNN](#) [11/25/2018 12:56 AM, Sophie Tatum, Caroline Kelly and Rafael Romo]

[FOX News](#) [11/24/2018 3:43 PM, Adam Shaw]

[FOX News](#) [11/25/2018 9:00 AM, Gregg Re]

[UPI](#) [11/25/2018 12:31 PM, Daniel Uria, 303K]

[USA Today](#) [11/25/2018 2:32 PM, William Cummings]

[Yahoo](#) [11/24/2018 9:57 PM, Andrew Denny, 273889K]

[Fortune](#) [11/25/2018 3:38 PM, Staff, 1201K]

[TIME](#) [11/25/2018 10:02 AM, Amy Guthrie]

[Washington Examiner](#) [11/25/2018 12:19 PM, Associated Press, DC]

### **For Trump, the risks of letting asylum seekers 'remain in Mexico'**

[CNN](#) [11/25/2018 4:09 PM, Samantha Vinograd, 25865K] reports your plan to make Central American immigrants wait in Mexico while their asylum claims are processed – along with your threats to close the border entirely – could put a serious strain on Mexican resources, and your own budding relationship with President-elect Andres Manuel Lopez Obrador. While Mexico's incoming government has denied there is an official deal, we assess that any extended "remain in Mexico" policy will have adverse consequences for the bilateral relationship. If your relationship goal is to create tensions with Mexico, extended stays for Central American migrants in Mexico or derogatory statements about Mexico's own border security will do the trick.

Under your new plan, some of the asylum seekers currently at our southern border may be allowed to wait in the US while their applications are being processed. But the majority will likely be forced to stay in Mexico for an indeterminate time. The migrants will need food, housing, healthcare and other basic needs while they wait, and it remains unclear whether the population influx will raise any tensions in Mexico. While the Mexican economy rebounded last quarter, domestic poverty and inequality remain high. Obrador campaigned on giving money to Mexicans in need, not Central American migrants that the US does not want to take.

### **First caravan-related violence reported in U.S. as rocks thrown at Border Patrol**

[Washington Times](#) [11/24/2018 5:55 PM, Stephen Dinan, DC] reports that the Border Patrol reported the first major instance of migrant caravan-related violence Saturday, saying a Honduran man threw rocks at agents to try to keep from being arrested Friday in Arizona. The 31-year-old, whom authorities didn't name, had climbed a tree to try to avoid capture, then lit the tree afire and began to throw rocks at the agents as well as a helicopter called in to help track him. Neither the agents nor the helicopter were hit by the projectiles. The man was eventually arrested, and agents said he told them he was part of the migrant caravan that had been in the news. They said he had previous arrests in the U.S. and had been deported back in June. A local fire department had to be called to extinguish the fire. Caravan members totaling as many as 10,500 have been massing on the Mexican side of the border in recent weeks, Homeland Security officials say.

Reported similarly: [Breitbart](#) [11/25/2018 10:37 AM, Bob Price, 2405K]

### **U.S. closes major crossing as caravan migrants mass at border in Mexico**

[Washington Post](#) [11/26/2018 6:45 AM, Sarah Kinosian and Joshua Partlow] reports that U.S. authorities closed off the busiest port of entry along the U.S. border with Mexico on Sunday and fired tear gas at members of a Central American migrant caravan who had rushed the fencing that separates the countries. Although the number of people at the border was relatively small, the unrest — with migrants attempting to climb fences and run through car lanes to reach the United States, and scenes of mothers and children choking on tear gas — represented a serious escalation of the crisis. What began Sunday morning as a migrant protest of the slow pace of the U.S. asylum claims process devolved into a chaotic scramble in which hundreds made their way to the border hoping to cross onto U.S. soil. To block that from happening, and as some threw rocks and bottles, Customs and



Border Protection (CBP) officers took the rare step of firing tear gas into Mexico as well as closing all legal vehicle and foot traffic to the San Ysidro border crossing, which U.S. officials say normally has about 100,000 visitors per day. Homeland Security Secretary Kirstjen Nielsen said in a statement that the port of entry was closed "to ensure public safety in response to large numbers of migrants seeking to enter the U.S. illegally." Some of the migrants tried to breach the border fencing and "sought to harm CBP personnel by throwing projectiles at them," the statement said.

### **Migrants in Tijuana Run to U.S. Border, but Fall Back in Face of Tear Gas**

[New York Times](#) [11/25/2018 7:51 PM, Maya Avernuch and Elisabeth Malkin] reports that a peaceful march by Central American migrants waiting at the southwestern United States border veered out of control on Sunday afternoon, as hundreds of people tried to evade a Mexican police blockade and run toward a giant border crossing that leads into San Diego. In response, the United States Customs and Border Protection agency shut down the border crossing in both directions and fired tear gas to push back migrants from the border fence. The border was reopened later Sunday evening. The episode comes at a time of growing tension on both sides of the border and promised to become the newest flash point in the story of a caravan that was the target of President Trump's anti-immigrant rallying cry during the midterm elections. Mr. Trump has made preventing caravan members from entering into the United States a signature stance of his administration over the past few weeks and has sent American soldiers to the border, although the United States military was not involved in Sunday's clash. The images of unrest Sunday will likely provide him with additional ammunition as he tries to keep out the caravan members and other immigrants and refugees fleeing poverty and violence in their homelands.

The [San Diego Union-Tribune](#) [11/25/2018 5:44 PM, Wendy Fry, Lyndsay Winley and Mike Freeman, 291K, CA] reports the confrontation highlights the escalating tensions along the border as thousands of migrants from Central America poured into Tijuana in recent weeks seeking asylum to enter the U.S. President Trump has pushed to keep any migrants in Mexico as they await the immigration process. U.S. Customs and Border Protection officials closed southbound vehicle and pedestrian crossings around 11:30 a.m. Sunday. Northbound vehicle traffic processing at San Ysidro also was suspended, and the pedestrian crossings at the San Ysidro port of entry were closed. The pedestrian crossings were reopened about 3:45 p.m. The San Ysidro border crossing is one of the busiest ports of entry in the world, with more than 90,000 people crossing between San Diego and Tijuana on a daily basis, and the closures snarled traffic for miles in the area. [Editorial note: consult source link for video]

Additional reporting:

[Washington Post](#) [11/25/2018 5:59 PM, Christopher Sherman]

[Los Angeles Times](#) [11/25/2018 9:25 PM, Wendy Fry and Sonali Kohli, 3575K]

[Wall Street Journal](#) [11/26/2018 6:33 AM, Juan Montes, Robbie Whelan & Santiago Perez]

[Al Jazeera](#) [11/25/2018 5:59 PM, Jurriaan van Eerten]

[Breitbart](#) [11/25/2018 4:31 PM, Joshua Caplan, 2405K]

[Breitbart](#) [11/26/2018 2:43 AM, Staff, 2405K]

[CNN](#) [11/26/2018 1:01 AM, Stephen Collinson, 25865K]

[CNN](#) [11/26/2018 3:49 AM, Emanuella Grinberg and Mariano Castillo]

[FOX News](#) [11/25/2018 7:51 PM, Gregg Re]

[FOX News](#) [11/25/2018 7:51 PM, Samuel Chamberlain]

[NBC News](#) [11/25/2018 6:39 PM, Annie Rose Ramos and Tim Stelloh, 3539K]

[Radar](#) [11/25/2018 7:33 PM, Cliff Renfrew]

[VOA](#) [11/25/2018 10:16 AM, Ken Bredemeier, 1028K]

[Yahoo! News](#) [11/25/2018 11:16 PM, Sarah Batool Haider, 273889K]

### **'There Are Sick Children Here': Frustrated Migrants March to Border, Demand to Be Let Into U.S.**

[Newsweek](#) [11/23/2018 11:45 AM, Chantal Da Silva, 1720K] reports dozens of migrants in the Mexican border town of Tijuana have reportedly split from the caravan group they traveled there with, and are now marching to the U.S. border to demand asylum. Carrying white flags with messages of peace, the group of roughly 150 migrants marched from the sports arena – where thousands of migrants are currently taking shelter – to a U.S. pedestrian bridge, in a bid to meet with U.S. immigration officers, according to The San Diego Union-Tribune. Some of the protesters came within 500 feet of the U.S. border, but Mexican federal police barred them from making their way across the pedestrian crossing. A small group of 'migrant caravan' members march toward a border crossing to petition for better shelter conditions and a faster process to request asylum in the U.S. in Tijuana, Mexico, on November 22.

Reported similarly:

[USA Today](#) [11/23/2018 9:24 AM, Hasan Dudar, 7165K]

[Daily Wire](#) [11/23/2018 9:08 AM, Joseph Curl, CA]

### **Mexico to immediately deport 500 migrants who 'violently and illegally' tried to cross U.S. border**

[Independent](#) [11/25/2018 7:02 PM, Andrew Buncombe, UK] reports Mexico has said it will immediately deport up to 500 migrants from Central America who "violently and illegally" sought to cross the U.S. border – pushing past Mexican people and causing U.S. agents to fire tear gas to disperse them. The U.S. Customs and Border Protection agency suspended all crossings at the San Diego-Tijuana entry point, after hundreds of migrants stormed their way through a blockade of Mexican police and a small number sought to open a space in a roll of razor wire. With the Mexican police overwhelmed, U.S. agents dispersed the migrants by firing or throwing tear gas. "As the demonstrations on the Mexican side reached the border area, some members of the demonstration split off to head towards multiple locations along the border," the CBP said in a statement. "Some attempted to enter the U.S. both directly east and west of the border crossing. These attempts to illegally enter the U.S., and the response to them continue." Officials later said they were reopening foot crossings at the entry point, said to be the busiest such place in the world and where 90,000 enter the U.S. every day, most of them day laborers. Over the weekend, Mr. Trump suggested Mexico had agreed a deal to allow asylum-seekers to wait in the country while their claims move through U.S. immigration courts. The Washington Post had quoted Mexico's incoming interior minister Olga Sanchez to say president-elect Andres Manuel Lopez Obrador agreed to allow migrants to stay in Mexico as a "short-term solution". Hours later, the newspaper said she had denied any deal had been done, saying: "There is no agreement of any sort between the incoming Mexican government and the U.S. government."

Additional reporting: [Washington Post](#) [11/25/2018 7:51 PM, Associated Press]

### **Crime menaces migrants on Mexico border as Tijuana declares crisis**

[Reuters](#) [11/23/2018 7:18 PM, Lizbeth Diaz, 4724K] reports unaccompanied minors and other vulnerable migrants risk falling victim to crime in the Mexican border city of Tijuana, where thousands of Central Americans from caravans may be stuck for months as authorities tighten up asylum rules, advocates say. Migrants from the bedraggled caravans whose advance has angered U.S. President Donald Trump are camped out with blankets and little food in an overcrowded stadium in Tijuana, whose mayor has declared a "humanitarian crisis." Trump has sent troops to the U.S.-Mexico border, authorized the use of lethal force and threatened to shut down the frontier entirely if the migrant caravans are not stopped. Tijuana was rated by Mexican think tank Seguridad Justicia y Paz as the fifth most violent city in the world in 2017, with a higher murder rate than the Central American cities from which the migrants are escaping. Juan Manuel Gastelum, Tijuana's mayor, said late on Thursday that the city was facing a humanitarian crisis and that supporting the migrants was costing more than 500,000 pesos a day. U.S. Customs and Border Protection said in a statement sent to Reuters that the San Ysidro Port of Entry, which connects Tijuana to San Diego in California, could process up to 100 people per day and that it was working with Mexico to manage the flow. Mexico's National Immigration Institute said it protects the rights of all foreigners and was "respectful of immigration policy implemented by other countries."

### **Migrants Report Mexican Officials Seek Money to Allow U.S. Border Access**

[Breitbart](#) [11/24/2018 12:41 PM, Penny Starr, 2405K] reports thousands of migrants are still arriving at the U.S.-Mexico border, hoping to be allowed into the country as asylum seekers. Many are claiming Mexican officials are asking for money to allow them to proceed across bridges that would take them to a U.S. border checkpoint. The Los Angeles Times reported that Mexican officials are also overseeing a waiting list of migrants seeking entry into the U.S. "The asylum seekers and immigrant-rights advocates say that has put them at risk of extortion, discrimination, and deportation, with many telling of Mexican officials demanding money to let them pass and of watching others, further down the list, cross ahead of them," the Times reported. The Times claimed the waiting list protocol comes from the Trump administration as a way to delay entry to the migrants after a federal judge ruled that the U.S. could not enforce federal immigration law that does not allow asylum status to people who bypass official ports of entry and enter the country illegally.

### **Report: John Kelly, Kirstjen Nielsen Opposed Trump Broadening Military's Power at Border**

[Breitbart](#) [11/23/2018 3:49 PM, John Binder, 2405K] reports President Donald Trump's Chief of Staff John Kelly and Department of Homeland Security Kirstjen Nielsen reportedly opposed the president's recent order which broadened the U.S. military's power on the southern border. While deciding whether to sign an order that gives the more than 5,700 deployed military troops at the border the ability to "show or use of force, crowd control, temporary detention, and cursory search," Kelly and Nielsen argued against the order, claiming Trump did not have the constitutional authority to enact such a plan, according to three unnamed sources from Politico. During a White House meeting this week, the anonymous sources claim, Kelly and Nielsen attempted to convince the president that the order was not constitutional, while senior adviser Stephen Miller, President of the National Immigration and Customs Enforcement Council Chris Crane, and President of the Border Patrol Union Brandon Judd argued in support of the order.

[Salon](#) [11/23/2018 7:29 AM, Marjorie Cohn, 783K] reports President Donald Trump's

decision to send thousands of troops to the U.S.-Mexican border to intercept migrants who intend to apply for asylum is not just a bald-faced political stunt – it is also illegal. Passed in 1878 to end the use of federal troops in overseeing elections in the post-Civil War South, the Posse Comitatus Act forbids the use of the military to enforce domestic U.S. laws, including immigration laws. For this reason, Trump's decision to deploy the military to the border to enforce U.S. immigration law against thousands of desperate migrants from Central America – who have undertaken the perilous journey over 1,000 miles through Mexico to the U.S. border in order to apply for asylum – is an unlawful order.

### **Critics Say The Caravan's Confrontation At The Border Is Trump's Fault**

[BuzzFeed](#) [11/26/2018 1:36 AM, Adolfo Flores, Hamed Aleaziz, and Karla Zabudovsky, 8149K] reports for Trump administration officials, an unprecedented confrontation at the US-Mexico border on Sunday invited an assessment that their policies have only exacerbated the problems of an overwhelmed immigration system whose court backlog has grown larger since Trump's inauguration 22 months ago. Leon Rodriguez, who headed the US Citizenship and Immigration Services agency from 2014 to 2016, didn't want to comment on the events on the ground, but said what happened at the border seemed to be "a foreseeable result of the U.S. policy of placing every conceivable obstacle in the way of orderly legal migration and of not having a policy that [recognizes] the desperate circumstances driving migration." Hector Gandini, who will take over as spokesperson for Mexico's Interior Ministry when Mexico swears in a new president on Saturday, said that the U.S. use of tear gas on migrants attempting to cross illegally into the country was "not correct. We don't want them to hound migrants."

Administration officials have imposed a number of policies to discourage migrants from seeking to enter the United States. Then Attorney General Jeff Sessions personally rewrote key immigration court decisions to eliminate domestic violence and fear of gang violence as reasons for asylum to be granted. The administration imposed a controversial family separation policy that was intended to discourage parents from crossing the border with their children. Trump dispatched 5,800 U.S. active-duty soldiers to the border in a show of force that many critics also claim was a blatant political ploy ahead of the midterm elections earlier this month. Yet border apprehensions are at the highest level yet of the Trump administration, family detentions are at record levels, and the number of people granted asylum actually rose in the fiscal year that just ended, to the highest level in two decades.

### **Former ICE Director Blames Congress for Migrant Caravan: 'They Have Failed the American People'**

[Independent Journal Review](#) [11/24/2018 2:06 PM, Sam Dorman, 91K] reports Tom Homan, a former Immigration and Customs Enforcement director, blamed Congress on Friday for incentivizing the controversial migrant caravan to attempt to travel to the United States. While appearing on "Fox & Friends," Homan went through a long list of loopholes that he said helped provoke the caravan. "The reason there's a caravan on the border and the reason the numbers are high right now is that Congress has failed to act," he said. He specifically pointed to Congress' inaction on asylum, the border wall, providing ICE with necessary resources to avoid "catch and release," and changing the controversial Flores agreement, which played a role in the family separation crisis earlier this year. "They have failed the American people," Homan said. Congress, as Homan indicated, has repeatedly failed to reach a compromise on immigration reform.

### **Trump 'has no legal authority' to make asylum-seekers stay in Mexico**

[PBS](#) [11/25/2018 4:28 PM, Staff] reports that with various updates from Mexico and the U.S. about asylum seekers approaching the border, lawyer and journalist Jami Floyd says Trump does not have the ability to rewrite immigration law. Floyd joins Megan Thompson for more on the U.S.'s legal policies. [Editorial note: consult source link for video]

### **Q&A: A look at whys and hows of hopeful U.S. asylum-seekers**

[Los Angeles Times](#) [11/23/2018 3:50 PM, Molly Hennessy-Fiske] reports many immigrants entering the U.S. – legally and illegally – claim asylum. Advocates for greater limits on immigration, particularly "chain migration" based on family relationships rather than employment skills, have tried to restrict asylum-seekers. This month, President Donald Trump issued a proclamation preventing immigrants from claiming asylum if they crossed the border illegally. On Monday, a federal judge in San Francisco blocked that "asylum ban." But the judge's ruling did not address another U.S. policy that's forcing asylum-seekers to wait on the Mexican side of border bridges, adding their names to growing waiting lists maintained by Mexican officials. On Thursday, a small group of Central American migrants marched peacefully to a border crossing in Tijuana to demand better conditions and push to enter the U.S. We talked to migrants waiting to cross the border legally at a shelter and border bridge in Matamoros, and those who had crossed illegally and were released by U.S. immigration officials in neighboring Brownsville, Texas, last week – with notices to appear in immigration court – about why and how they were seeking asylum.

### **Cummings: Asylum-seekers should be allowed in U.S.**

[Politico](#) [11/24/2018 11:46 AM, Rebecca Morin] reports Rep. Elijah Cummings on Sunday called on Congress to stand up against a proposed deal between Mexico and President Donald Trump that will keep those seeking asylum out of the United States. Cummings (D-Md.) in an interview on NBC's "Meet the Press" said he is not supportive of a deal "because that's not the law." "They should be allowed to come in, seek asylum, that's the law," Cummings said. The Trump administration is working with incoming Mexican President Andrés Manuel López Obrador to keep asylum seekers out of the United States while their applications are pending in court, POLITICO reported Saturday. Current U.S. procedure allows those who have a pending asylum case being reviewed by an immigration judge to stay in the United States. The agreement between Mexico and the Trump administration is reportedly nearing a final deal.

The [Independent Journal Review](#) [11/25/2018 12:53 PM, Madison Dibble, 91K] reports Democrat Congressman Elijah Cummings claimed he wouldn't support changes to the immigration system in the United States because it "has worked for a long time." Rep. Cummings sat down with NBC's Chuck Todd on "Face the Nation" to discuss President Donald Trump's plan to shut down the border and not allow any of the migrants from the caravan into the country to apply for asylum. President Trump is working on a deal with Mexico whereby they would grant temporary asylum to the caravan so that the people may be sorted out without first entering the United States. The United States would consider valid asylum cases through the courts, as is standard. Migrants at the Southern Border will not be allowed into the United States until their claims are individually approved in court. We only will allow those who come into our Country legally. Other than that our very strong policy is Catch and Detain.



Reported similarly: [NBC News](#) [11/25/2018 10:27 AM, Leigh Ann Caldwell, 3539K]

### **Immigrants have a right to seek asylum. It's the law**

[NOLA](#) [11/25/2018 6:46 AM, Tim Morris, LA] reports it is another sign of our politically polarized times that two of the most gracious concepts in the English language — asylum and sanctuary — are now bad words to some. All matters related to immigrants and immigration have become powder kegs, but it is particularly sad that these terms for shelter, refuge, safety and protection were weaponized in President Donald Trump's efforts to subvert a legal process for political gain. No, this isn't a call for "open borders" or shielding criminals from arrest or surrendering our sovereignty to invading forces. It is about an immigration policy that protects our nation while also respecting the dignity and rights of human beings. For starters, the definition of immigration is the "act of coming to live permanently in a foreign country." An immigration policy, then, is about who we allow in the country to dwell here permanently and who we keep out.

### **Some families split up at border still detained months later**

[Washington Post](#) [11/23/2018 5:31 PM, Astrid Galvan] reports that half a dozen families who were separated at the U.S.-Mexico border are still detained in Texas months after reuniting with their children. Immigrant advocates say the government has violated a longstanding legal agreement that bars it from detaining children past 20 days in unlicensed facilities like the South Texas Family Residential Center. The detention center in Dilley, Texas, had been holding about 40 families for four months following the court-ordered reunifications. About 30 of the families were just released last week.

Many families had spent months apart after President Donald Trump's administration launched a zero-tolerance policy requiring anyone who crossed the border illegally to face criminal charges. That meant parents had to go to court while their kids went to shelters for underage immigrants nationwide. The policy ended in the spring after worldwide uproar, but families with parents who failed their first screening as they sought asylum have remained in custody with their children. A decades-old agreement known as the Flores settlement dictates how long the government can keep children in unlicensed facilities. Generally, the rule has been that kids can't be kept past 20 days. Families still detained in Texas said in interviews with The Associated Press that they are desperate and that their kids are traumatized. One woman said she and her daughter kept getting sick during the rainy season because officials at the Texas center wouldn't let them change out of wet clothes. U.S. Immigration and Customs Enforcement spokeswoman Dani Bennett said the agency takes the health, safety and welfare of immigrants in their care very seriously. She said the agency provides comprehensive medical care, including nurses, mental health providers, doctors, dental care and access to 24-hour emergency care. "Pursuant to our commitment to the welfare of those in the agency's custody, ICE spends more than \$250M annually on the spectrum of health care services provided to those in our care," Bennett said in a statement. Bennett said the average length of a stay at the Texas center is 17 days. She said the length of some families' stay could be longer than 20 days depending on individual circumstances, like those who have final orders of removal from the U.S. Many of the families kept this long have such orders. They're likely to get another shot at staying in the U.S. because of the agreement that allowed them or their children to do another initial interview.

**Trump attacks 'Fake 60 Minutes' for 'phony story' on family separations at the border**  
[Washington Post](#) [11/26/2018 4:58 AM, Allyson Chiu] reports that just hours after migrant families at the southern border were tear-gassed by U.S. authorities and tensions escalated between Russia and Ukraine, President Trump took to Twitter on Sunday night armed with harsh words. But his ire wasn't directed at the caravan of thousands of Central Americans seeking asylum or foreign leaders. Instead, the president was in a fit over a "60 Minutes" segment about family separations at the border, accusing "Fake 60 Minutes" of running a "phony story." The "60 Minutes" investigation into the Trump administration's controversial "zero tolerance" policy, which aired Sunday evening, found that family separations had been going on for much longer than previously reported. Citing a 2017 "pilot program" that was rolled out months before then-Attorney General Jeff Sessions's April announcement of the policy's official implementation, the report concluded that "there may never be an accurate count of how many children were taken from their parents." The roughly 13-minute-long report appeared to leave Trump incensed, prompting the president to issue scathing back-to-back tweets in which he again erroneously claimed that his "zero tolerance" policy is "the exact same" as former president Barack Obama's and attacked the "Fake Media." Trump's immigration crackdown was met with so much backlash that he abruptly halted separations in June and that same month a federal judge ordered the government to reunify thousands of children with their families.

Additional reporting: [The Hill](#) [11/25/2018 9:24 PM, Emily Birnbaum, 2630K]

**Record 14,000 unaccompanied immigrant children in U.S. custody, HHS confirms**  
[CNN](#) [11/23/2018 4:48 PM, Kate Sullivan] reports that a record number of unaccompanied immigrant children, about 14,000, are currently in U.S. custody, a Health and Human Services spokesman said Friday. The spokesman, Mark Weber, said the additional requirements put in place by the Trump administration to "reduce risk and increase safety" for immigrant children contributed to the high number. "We are taking all possible steps to protect children in an environment with many bad actors," Weber said. "We are balancing speed with safety and will err on the side of safety." Last spring, the Trump administration heightened scrutiny of adults coming forward to take care of the immigrant children, and Immigrations and Customs Enforcement now conducts exhaustive screenings of the adults. But many of them are undocumented themselves and fearful of ICE obtaining their information. These Trump administration policies are likely keeping these children in custody. Lawsuits have also accused the administration of extending children's stays, including allegedly holding them intentionally until they turn 18 and are eligible for stricter adult detention. Weber said the high number was also due to the 50,000 Department of Homeland Security referrals of unaccompanied children this year, which he said is the third-highest annual total.

**Homeland Security wanted to help track separated families at the border — but the White House said no**

[Raw Story](#) [11/25/2018 8:42 PM, Sarah K. Burris, 689K, DC] reports President Donald Trump's White House wasn't interested in tracking the families they separated, according to one former Homeland Security staffer. During an interview with CBS's "60 Minutes," Scott Shuchart explained that not only was Homeland Security never consulted about Trump's new Executive Order that separated families at the border when they sought asylum. "If you're going to separate families in the pursuit of an immigration policy, it was irresponsible to push that on top of a system that wasn't prepared on the backend to allow the families to

be reconciled later," Shuchart told Scott Pelley. Shuchart is no longer at DHS but he said it wasn't like his expertise was of concern anyway. "If they had come to you, what would your office have said?" Pelley wondered. "We would've had advice on the way that needed to be done, on the recordkeeping that needed to be done. And our advice on that wasn't sought out. And when we tried to provide it, it was ignored," Shuchart explained.

Additional reporting: [CBS News](#) [11/25/2018 10:00 PM, Scott Pelley, 55864K]

### **Family separations at border began earlier than White House initially announced: report**

[New York Post](#) [11/25/2018 7:37 PM, Mark Moore, 3705K, NY] reports President Trump's policy to separate children from their migrant parents at the US border began nine months earlier than the White House acknowledged and could have resulted in more families being broken up than the administration admitted, according to a report on Sunday. The "zero tolerance" strategy that then-Attorney General Jeff Sessions announced in April actually began in the "El Paso sector" between July and November 2017, CBS' "60 Minutes" reported, citing government documents. It's unclear how many parents and children were separated during those five months, the report said. Like the "zero tolerance" policy, which Trump ended by executive order in June, the El Paso pilot program was intended to act as a deterrent to migrant families from arriving at the border to seek asylum. The White House claims that more than 2,600 children have been detained as a result of the policy, but news reports contend that more than 5,000 children have been held, CBS said.

### **Young immigrant centers are plagued by safety threats**

[Axios](#) [11/24/2018 9:05 PM, David Nather] reports that government facilities for immigrant youth are struggling to deal with threats to their safety, including a young woman who cut herself with a sewing needle, a fight in which one boy repeatedly kicked another in the head, and a 6-year-old who tried to run away, according to an investigation by the Associated Press. These facilities are holding about 14,000 immigrant children throughout the country. Those numbers are likely to increase, since it's taking longer to reunite them with relatives who are afraid of being deported.

Reported similarly:

[MSN News](#) [11/23/2018 7:58 AM, Rafael Carranza]

[Newsweek](#) [11/23/2018 7:27 AM, Chantal Da Silva, 1720K]

[FOX 5 San Diego](#) [11/23/2018 10:20 PM, Staff, 83K, CA]

### **For Central Americans, kids open path to the U.S. — and bring a discount**

[Washington Post](#) [11/23/2018 3:47 PM, Josh Partlow and Nick Miroff, 55864K] reports to mark attendance in Diana Melisa Contreras's kindergarten classroom, students place tongue depressors into little white cups painted with their names. There were 29 cups at the start of the school year. Then Contreras's students and their parents began leaving their small village in the coffee-growing hills of southern Guatemala, joining the torrent of migration to the United States. With more families preparing to depart in the coming weeks, Contreras has been told her class will only have five students next term, and she will be transferred to teach at a different school. "They're all going to the United States," she said. "I'm being left without kids." Last month, 23,121 members of "family units" were arrested along the U.S. southern border, the highest number on record and a 150 percent increase since July. With the number of single adults attempting to sneak into the United States

declining, families and underage minors now account for more than half of those taken into custody by U.S. border agents. Thousands more children are coming in the migrant caravans President Trump has likened to "an invasion," carrying toys and stuffed animals and collapsing, at times, from exhaustion. This is happening because Central Americans know they will have a better chance of avoiding deportation, at least temporarily, if they are processed along with children.

The economics of the journey reinforces the decision to bring a child: Smugglers in Central America charge less than half the price if a minor is part of the cargo because less work is required of them. Unlike single adult migrants, who would need to be guided on a dangerous march through the deserts of Texas or Arizona, smugglers deliver families only to the U.S. border crossing and the waiting arms of U.S. immigration authorities. The smuggler does not have to enter the United States and risk arrest. The Trump administration tried to deter parents this spring when it imposed a "zero tolerance" family-separation policy at the border. But the controversy it generated and the president's decision to halt the practice six weeks later cemented the widely held impression that parents who bring children can avoid deportation. A federal judge in California this week blocked the Trump administration's attempt to deny asylum to migrants who enter the United States illegally, including those traveling with children, saying the measures were a violation of U.S. immigration laws allowing anyone who reaches U.S. soil to seek humanitarian protection. Infuriated by that ruling and other legal setbacks to his immigration crackdown, Trump threatened Thursday to close the entire Mexico border. U.S. immigration authorities are instead moving forward with a plan to require asylum seekers to remain in Mexico while their claims are processed, a move that could leave families waiting in dangerous border cities for months or longer.

Reported similarly: [Breitbart](#) [11/24/2018 1:25 PM, Neil Munro, 2405K]

### **Is there really a legal case for ending birthright citizenship?**

[Washington Examiner](#) [11/24/2018 11:27 AM, Dale L. Wilcox, 567K, DC] reports that President Trump's forthcoming plan to end birthright citizenship for the children of illegal aliens and foreign tourists by clarifying what it means to be "subject to the jurisdiction" of the United States at birth would reverse the yearslong federal agency practice of granting citizenship to the U.S.-born babies of these groups. Although the question of whether one's mere presence, as opposed to some deeper connection, entitles one's U.S.-born child to automatic citizenship has been a hot one for decades, the debate is far younger than the actual Citizenship Clause of the 14th Amendment. This is itself telling, says constitutional law professor John Eastman, who has dug deeply on this issue.

### **Border Patrol trainees prepare to enter one of the country's fiercest political battles**

[Washington Post](#) [11/23/2018 5:14 PM, Abigail Hauslohner, 114K] reports Erin Herrgott, a 20-year-old from small-town Michigan, was working at the county probation office and dreaming of becoming a federal law enforcement officer when she stumbled across a job listing for the U.S. Border Patrol. She worried she was unqualified: Herrgott didn't speak Spanish. She wasn't "jacked" the way she expected border agents need to be to face off with drug smugglers in inhospitable desert terrain. A few days after she submitted her application, an email arrived notifying her that she was to begin the vetting process. Now she is one of the newest recruits at the U.S. Border Patrol Academy, where a six-month training program funnels new cadets directly onto the front lines of one of America's fiercest

political battles. President Donald Trump has made a crackdown on illegal immigration a policy priority, pressing Congress to fund a border wall, 5,000 additional Border Patrol agents and 10,000 Immigration and Customs Enforcement officers. He deployed thousands of troops to the southern U.S. border to stop a caravan of Central American migrants, some of whom began arriving in the Mexican border city of Tijuana this month.

### **Trump renews call for border wall as more migrants arrive in Tijuana**

[Washington Times-Herald](#) [11/24/2018 4:29 PM, Ramon Espinosa, 4K, IN] reports that President Donald Trump pushed again for a border wall on Friday, calling for a bipartisan border security package "that will include funding for the Wall." The call comes as new reports indicate a record number of unaccompanied minors are in custody in the United States, and as a so-called caravan of migrants sits across the border from California in Tijuana. As many as 5,000 are believed to have arrived in the border city after traveling through Mexico from Central America. The president's early Friday tweet said that "Republicans and Democrats MUST come together" on an initiative. The Department of Health and Human Services meanwhile confirmed that about 14,000 unaccompanied immigrant children are already in custody in the U.S. It's unclear if Trump wants to include unaccompanied minors in any immigration legislation.

### **Trump Super PAC Calls on Congress to Fund the Wall**

[Breitbart](#) [11/23/2018 1:05 PM, Sean Moran, 2405K] reports America First Policies (AFP), a leading pro-Donald Trump super PAC, will debut an ad on Monday calling on Congress to fund the border wall along America's southern border. The ad launching on Monday will cost \$500,000 and serves as the second to come from America First Policies this month. Combined the ads will cost \$1 million during November. The newest ad features Michelle Root, an "Angel Mom" whose daughter was killed by an illegal immigrant in the country in a car crash in 2016. Root contends in the ad that the border wall would prevent future loss of American lives while calling on Congress to pass stricter immigration laws.

### **[TX] In South Texas, Border Residents Struggle to Cope With the Latest Military Surge**

[The Intercept](#) [11/24/2018 9:00 AM, Melissa del Bosque, 524K] reports the blue and white chopper dipped low over the old white farmhouse and the muddy green river. Seventy-three-year-old Reynaldo Anzaldua, sporting a tan Vietnam vet baseball cap, squinted up at the chopper blotting out the blue sky. "Verdad?" he said finally to his cousin, Fred Cavazos, who had rolled his wheelchair over to the edge of the cattle pen so he could feed his Longhorns. Cavazos nodded. "They've got three kinds of helicopters down here," he said, knowingly. "That one's Border Patrol, then you've got the National Guard, and the state police got their own." "But now, we also got the military," Anzaldua added. "I heard they're down at the port of entries jumping out of black helicopters with submachine guns. I haven't seen it yet myself, but that's what I've heard." Both of them had lived along the Rio Grande their entire lives and the recent deployment of more than 5,800 active duty soldiers near their homes and along the southern border still felt surreal, even in border communities that had grown accustomed to more policing and surveillance than anywhere else in America. Photos, snapped by locals, circulated on Facebook of Customs and Border Protection agents clad in black riot gear shutting down lanes at the ports of entry with Mexico, of soldiers in Mission, Texas, not far from Cavazos's farm, lining the Rio Grande with razor wire. It was November 6 — Election Day. We stood in the sun watching Cavazos push a bale of hay into the cattle pen. The Pentagon had announced the deployment, dubbed



Operation Faithful Patriot, one week earlier. In a string of increasingly hysterical tweets leading up to the deployment, President Donald Trump had warned of an "invasion" by Central American families traveling north to seek asylum in caravans — or "scare-a-vans," as CNN had dubbed them. Mexico, Trump tweeted, should stop "this large flow of people, INCLUDING MANY CRIMINALS, from entering Mexico to the US. ...If unable to do so I will call up the U.S. Military and CLOSE OUR SOUTHERN BORDER!"

On November 9, Trump signed a presidential proclamation banning migrants from applying for asylum outside official ports of entry, contrary to the Immigration and Nationality Act. (A federal judge temporarily blocked the asylum ban little more than a week later.) It was a Catch-22. Since May, armed CBP agents had been stationed at the halfway point on international bridges preventing asylum-seekers from stepping foot on U.S. soil, said Jennifer Harbury, a longtime immigration attorney in the Rio Grande Valley, who had for the last few months walked asylum-seekers across herself to make sure they got through. Harbury said she had to stop in October. Now it was impossible to cross on the bridge between the city of Hidalgo, Texas, and Reynosa, Mexico, where she usually crossed with clients. Mexican immigration, she said, was forcing anyone with an asylum claim back into Reynosa, where cartel wars have raged for years and many migrants are kidnapped by organized crime.

**[OR] Email from NORCOR : Jail released inmates for ICE**

[Hood River News](#) [11/23/2018 3:00 AM, Neita Cecil] reports an email exchange in 2016 indicates the regional jail kept its local inmate population "low" to make room for immigration detainees, according to OPB. The email exchange, between then Lt. Dan Lindhorst, now the jail's commander, and an official with U.S. Immigration and Customs Enforcement were included in court filings that are part of a lawsuit that alleges the ICE contract violates the state's 1987 sanctuary law. Former Northern Oregon Regional Corrections Facility Administrator Bryan Brandenburg told OPB the regional jail doesn't lower its county numbers to accommodate immigration detainees. Four Wasco County residents sued the jail in 2017, alleging housing immigration detainees violates a state law that bars using local government resources to "detect and apprehend" people whose only offense is being in the country illegally. In the Sept. 29, 2016 email exchange, Lindhorst wrote, "I see this morning we are down to 26 ICE detainees. Could you please see if you can get these numbers up. We have been keeping the county numbers low to make room for the 40 detainees that you had asked for. If you are not going to use us to that extent, please let me know that as well so I can advise my sheriffs." A few hours later, ICE official Larry Peterson quickly replied, "Tacoma is working on vetting more detainees to go to NORCOR. I will let you know when they are ready for transfer."

**[CA] Migrant mother falls trying to climb U.S.-Mexico border fence**

[Washington Post](#) [11/24/2018 5:55 PM, Associated Press] reports that authorities said a migrant woman was injured after trying to climb a fence at the U.S.-Mexico border with her two small children. Border Patrol agent Tekae Michael says the 26-year-old Guatemalan woman fell near the San Ysidro Port of Entry Friday night and landed on pieces of rebar that pierced one side of her body. Paramedics took her to a hospital for treatment. The San Diego Union-Tribune reports the children, ages 3 and 5, were not hurt. The woman told agents she was not part of the migrant caravan that traveled from Central America to the Mexican border city of Tijuana. The rebar is part of ongoing work to replace decades-old fencing. It's not related to the American military's recent mission to fortify the fence in

response to the caravan.

Reported similarly:

[Townhall](#) [11/25/2018 9:45 AM, Beth Baumann]

[NBC San Diego](#) [11/24/2018 2:11 PM, Staff, 138K, CA]

[KFMB-TV](#) [11/24/2018 8:11 PM, Brandon Lewis, 59K, CA]

[Modesto Bee](#) [11/25/2018 11:20 AM, Don Sweeney, 34K, CA]

## Legal News

### **Federal Court Allows Challenge to Government Policy of Using Detained Immigrant Children as Bait to Arrest Families**

[National Law Review](#) [11/23/2018 12:40 PM, Jennifer Schaller, 19K] reports a November 15th ruling in the District Court for the Eastern District of Virginia could have a major effect on the Trump Administration's policy, which unnecessarily detains 1000's of immigrant children for extended periods of time and which in effect traps certain sponsors of the detained immigrant children who try to claim them. The Government's motion to dismiss a lawsuit brought on behalf of detained immigrant children was denied by the court on five of the six counts of the amended complaint allowing the lawsuit to move forward. Judge Leonie Brinkema's decision also has implications for immigration battles to come, not only in Virginia but throughout the United States. Legal Aid Justice Center, together with the Washington, D.C. intellectual property law firm of Sterne, Kessler, Goldstein, and Fox, brought this first-of-its-kind class action lawsuit on behalf of four minor immigrants challenging the Trump Administration's recent policy of sharing the sponsor information of immigration children and information about the sponsors' household members with U.S. Immigration and Customs Enforcement. This policy has resulted in the arrest of people who come forward to help undocumented migrant children including family and friends that came forward to bring their children home. In April 2018, the Department of Health and Human Services (DHS) and the Department Health and Human Service (HHS) entered into an agreement, which went into effect May 13, 2018, for the Office of Refugee Resettlement (ORR), the branch of HHS that is in charge of housing immigrant children, to transfer fingerprints and other information on immigrant children's sponsors and other adult members of the sponsor's household to ICE.

### **[MA] Bristol County courts, jail now video conferencing bail reviews**

[Enterprise News](#) [11/25/2018 8:10 AM, Curt Brown, MA] reports county officials say the video conferences don't require defendants to be transported to the courthouse by corrections officers and then back to the House of Correction, saving time and money. But not everyone is in favor of them. Daniel Keyes, a 28-year-old Rockland man, stood in front of a 42-inch TV screen at the Bristol County House of Correction in hopes of getting his bail lowered so he could be released from custody. As he stood there in a room at the Dartmouth facility, his image was being transmitted over a dedicated phone line to a Superior Court courtroom at the Fall River Justice Center, where a judge would decide whether the \$4,000 cash bail would be reduced. Judge Mark Hallal sat on the bench and heard arguments from prosecutor Kristen Wyley and defense attorney James Hanley, also in the Fall River courtroom, on why the bail set in Taunton District Court should be either lowered or remain the same. Keyes, the only one of the principals not in the courtroom, stood motionless in the room at the county jail. The only time he spoke was to identify himself to the court. Jennifer Donahue, a spokeswoman for the state Trial Court, described

the court's use of video conferencing for bail hearings as "a public safety measure" and "a tremendous savings of security resources." Defendants who are being held at houses of correction do not have to be transported to courthouses, she said in an email to The Standard-Times.

The use of video in bail review hearings is supported by Bristol County District Attorney Thomas M. Quinn III, Bristol County Sheriff Thomas M. Hodgson and Marc J. Santos, clerk of Bristol County Superior Court. Hodgson, whose budget will benefit because of fewer prisoner transports back and forth between Dartmouth and Fall River Superior Court, has long been an advocate of video bail reviews. He remembers it was 2008 when he approached the Trial Court in Boston about the use of video conferencing for bail reviews. Since 2007-08, the staff at the Sheriff's Department has used video conferencing for federal immigration detainees with the U.S. Immigration Court in Boston, according to Superintendent Steven Souza. "It has worked very well. We do it in a room in the ICE facility," on the campus of the House of Correction, Hodgson said.

**[MA] ACLU hits back at Gross over lawsuit seeking data Boston police give ICE**  
[Boston Globe](#) [11/25/2018 10:17 PM, Jeremy C. Fox, 854K, MA] reports the American Civil Liberties Union of Massachusetts lashed back at Boston Police Commissioner William Gross on Sunday, after he took the unusual step of wading into a legal controversy. In a statement posted privately on Facebook just before 3 p.m. Saturday, Boston's top law enforcement official attacked the ACLU for, in his view, failing to support police or better the local community and instead "hiding and waiting for a slow news day to justify their existence." The ACLU chapter is among the plaintiffs in a lawsuit filed Nov. 15 in Suffolk Superior Court that seeks to force Boston police to release information about the department's practice of labeling young men and teenagers from Central America as gang members – allegedly with often flimsy evidence – and sharing that data with federal immigration officials. U.S. Immigration and Customs Enforcement has used information from the department in efforts to have alleged gang members deported, despite previous declarations by Mayor Martin J. Walsh that Boston is a sanctuary city for unauthorized immigrants.

[WHDH-TV](#) [11/23/2018 1:34 PM, Brooke Coupal, 87K, MA] reports that the ACLU alleges that a Salvadoran teenager who fled gang violence in his home country was labeled a gang member after falling victim to an assault at school. They also claim that Boston police assign people points based on who they are, who they know, and what they wear, and enter this information into the Boston Regional Intelligence Center's Gang Assessment Database, which is then shared with other law enforcement agencies. "Despite the fact that Boston has proclaimed itself a safe city for immigrants, the Boston Police Department is collaborating with Immigration and Customs Enforcement by making information in its 'gang database' available to federal immigration authorities," according to the ACLU. They went on to add that "Boston aims to protect its immigrants. Every day in immigration court, we see how the gang database system undermines that promise for teenagers across the city."

**[CT] Undocumented immigrants see different results from ICE**  
[New Haven Register](#) [11/23/2018 9:39 PM, Mary E. O'Leary, 35K, CT] reports that Salma Sikandar, a Bangladeshi native who got the OK in August from Immigration and Customs officials to remain in the U.S. while the courts reviewed her case, got more good news just before Thanksgiving. The Board of Immigration Appeals agreed to reopen her case in

conjunction with her husband, Anwar Mahmud, both of which will be heard in June.

Nelson Pinos, who will have been in sanctuary at First and Summerfield United Methodist Church for a year on Nov. 30, was denied a stay of deportation by the Boston office of Immigration and Customs Enforcement which affirmed the ruling by the Hartford ICE office. There have been numerous rallies in New Haven and in Hartford on behalf of the family to encourage ICE to let Pinos stay with his family while his appeal is heard and a final ruling is issued. Pinos' attorney has submitted documentation of the stress on the family, particularly his three children. The most recent action was an overnight prayer session outside ICE's Hartford office.

**[PA] Pa. woman who overstayed visa, married and has been detained offered a bond hearing**

[Penn Live](#) [11/24/2018 10:02 AM, John Beauge, 206K, PA] reports a woman who claims she fled Lithuania in 2009 because that country is hostile to the gay community has won a skirmish in her battle to remain in America. U.S. Middle District Judge Matthew W. Brannon on Wednesday ordered an immigration judge to hold a bond hearing within 21 days for Daiva Kleinauskaite, who has been detained since May 2017. The judge adopted the recommendation of Magistrate Judge Susan Schwab, who wrote: "At a certain point, detention without a bond hearing violates due process. And that point has been reached in this case." At the bond hearing, Kleinauskaite will have the opportunity to argue for release from custody while she continues to fight deportation. A judge could deny release or free her on conditions. It is the position of Immigration and Customs Enforcement officials that an immigration judge has no authority to conduct a bond hearing for those admitted under the Visa Waiver Program. Immigration and Customs Enforcement officials notified Kleinauskaite it would seek deportation after she was arrested May 17, 2017, in Montgomery County for driving under the influence. Her attempts to prevent removal and to be granted asylum have been unsuccessful. An immigration judge on Aug. 30, 2017, denied her request for asylum because she had not filed it within a year of her arrival in the United States.

**[GA] A Guatemalan Mother Could Lose Her Daughter, Because She's an American**

[New York Times](#) [11/23/2018 1:13 PM, Miriam Jordan, 22322K] reports Vilma Carrillo was one of a group of migrant women flown to Texas in July from a detention center in Georgia to be reunited with their children, who had been separated from them as part of the Trump administration's clampdown at the border. Over the next several days, she watched as immigration officials paged one mother after another and took them to meet their children. "I was never called," Ms. Carrillo said. Her heart in tatters, the 38-year-old Guatemalan woman was sent back to the Georgia detention center without her daughter, Yeisvi, 11. Ms. Carrillo has been caught at the intersection of several Trump administration policies intended to make it harder for Central American migrants to settle in the United States. Her case is more serious than what thousands of other migrant families have faced: Because her daughter is an American citizen, Ms. Carrillo has been told that she could lose custody. One cause of her dilemma, ironically, is the very reason Ms. Carrillo undertook the hazardous trip to bring her daughter back to the United States. Ms. Carrillo sought to re-enter the country with a claim of asylum, citing years of beatings she had suffered at the hands of her husband in Guatemala. Her asylum claim was denied after the Trump administration early this year ruled out domestic abuse as legal grounds for granting refuge. Even if Ms. Carrillo agreed to go home to Guatemala, immigration lawyers said, her

daughter's status as an American citizen could prompt authorities in the United States to decide that the reports of domestic violence in the family make it too risky to allow her to return.

Ms. Carrillo appeared before an immigration judge, Earle Wilson, for an asylum hearing on Aug. 16. The interpreter spoke a different indigenous dialect than hers, compromising her ability to properly make her case. Further complicating things, Ms. Carrillo was unable to give the judge her asylum declaration and the documents detailing her abuse: They were in a backpack taken from her by federal immigration authorities when she was processed into the Georgia facility. Her claim for asylum faced a formidable obstacle with a directive by then Attorney General Jeff Sessions in June that rendered it all but impossible for those fleeing domestic abuse, gang brutality and other violence to get protection. The American Civil Liberties Union has challenged the directive in federal court, but in the meantime, it applies; Judge Wilson denied Ms. Carrillo's asylum claim and ordered her removed from the country. Two days later, in Arizona, a judge in juvenile court held an initial hearing on Yeisvi's dependency case, proceedings that immigration lawyers say could ultimately result in the termination of Ms. Carrillo's parental rights. In that case, Yeisvi would be taken out of foster care and put up for adoption.

**[KS] First hearing scheduled in reopened immigration case of Lawrence scientist**

[Lawrence Journal-World](#) [11/23/2018 4:16 PM, Rochelle Valverde, 38K, KS] reports that the first hearing in the immigration case of a Lawrence scientist and father of three is scheduled for next week, and the case could be significantly affected by a recent U.S. Supreme Court case. The hearing for Syed Jamal, originally from Bangladesh, will take place Tuesday in Immigration Court in Kansas City, Mo. Though first hearings mainly serve to set the trial date and determine other scheduling, Jamal's attorney, Rekha Sharma-Crawford, said that the judge may give an indication as to whether a recently decided Supreme Court case that some say could potentially affect tens of thousands of cases has bearing on Jamal's. Jamal's hearing is scheduled for 1 p.m. Tuesday in Kansas City Immigration Court.

**[OR] Man pleads guilty to trying to bribe Oregon ICE agent to deport his wife, her daughter**

[Star-Telegram](#) [11/23/2018 1:58 PM, Matthew Martinez, 202K, TX] reports Antonio Oswaldo Burgos sponsored the woman for entry into the United States from her native El Salvador so that they could get married, according to his plea agreement in federal court. But when the relationship deteriorated earlier this year, Burgos, 48, hatched a plan — and tried to enlist an ICE agent's help to get rid of his problem, he now admits. He pleaded guilty Tuesday to bribing a public official, according to a news release from the U.S. Attorney's Office in Oregon. He followed the ICE agent's vehicle from Portland to Vancouver, Washington, on May 24, while he and his wife were locked in divorce proceedings, and offered the agent \$3,000 to have her and her daughter deported, the release states. The agent played along with Burgos' scheme and set up another phone call, and then another meeting with Burgos, according to court records. By the June 6 meeting, Burgos had agreed to increase his offer to \$4,000 — \$2,000 payable at the meeting, with another \$2,000 to follow after the woman and her daughter had been removed from the country, according to his plea agreement.

Reported similarly: [Epoch Times](#) [11/25/2018 10:45 AM, Jack Phillips, 206K, NY]



### **[CA] Illegal Alien Deported 15 Times Sits in American Jail 1.5 Years as Hit-and-Run Case Delays Sentencing**

[Townhall](#) [11/24/2018 10:24 AM, Timothy Meads] reports that on Wednesday, November 21, 2018 a San Diego federal judge delayed illegal alien Constantino Banda-Acosta's sentencing hearing a second time in order to review evidence that could impact the amount of jail time for the felon. Banda-Acosta is a Mexican national and a 15-time United States' deportee. He has been in federal custody since May 2017 after he was accused but never convicted of drunk-driving and hitting a 6-year-old American girl before fleeing the scene. Since then, the man has had two hung trials and his case has been dismissed by a federal judge. But, he still is guilty of returning to the country after being removed. Now, the United States Attorney's office requests that the San Diego federal judge view Banda-Acosta as a "danger" because of the evidence surrounding that hit-and-run and give the illegal alien a harsher jail sentence.

## **Enforcement News**

### **[ME] Pakistani man ordered to leave U.S. gets 8 months in prison**

[WABI](#) [11/24/2018 8:13 PM, Associated Press, ME] reports a Pakistani man who has been ordered to leave the U.S. has been sentenced to eight months in prison. The Bangor Daily News reports Zafar Iqbal-Khan was sentenced Monday in U.S. District Court in Bangor to eight months in prison. Iqbal-Khan was convicted in June of failure to comply with terms of release under supervision after pleading guilty to drunken driving charges and other offenses. He will face an immigration judge for removal proceedings after he finishes his sentence. Iqbal-Khan has been ordered removed before but the Pakistani government has refused to give him travel documents. Iqbal-Khan's attorney, David Bate, has said U.S. immigration officials seized his client's passport and birth certificate in 2004. According to Bate, Pakistan didn't give Iqbal-Khan travel documents because he doesn't have identifying documents.

### **[CT] After Norwalk father watches son play in Babe Ruth World Series, an immigration checkpoint changes everything**

[Norwalk Hour](#) [11/25/2018 7:00 PM, Justin Papp, 17K, CT] reports that it was a trip that was at first euphoric, and then disastrous. Jose Vasquez knew the risks. He understood that a trip to the U.S.-Mexican border area for someone in his situation could have serious consequences. But whatever fear he felt was outweighed by a desire to see his older son, also named Jose, play with his Norwalk baseball team in the Babe Ruth Little League World Series in Eagle Pass, Texas. "I found out where exactly the games were taking place. I knew it was so close to Mexico," said Vasquez, who was born in Venezuela and came to Connecticut on a visa 17 years ago. "But I had to go because I didn't think my son would've performed the way he did if I hadn't been there."

The team placed third in the tournament, and his son earned a spot on the all-tournament team for his play in center field. After the games had finished and the awards were distributed, the younger Jose boarded the bus with his team headed for San Antonio International Airport. His father and younger brother were on a separate flight. Around 4 a.m., Vasquez and his other son Alan, got in the back seat of a fellow baseball parent's car and started the drive to the airport for their early morning flight. They were stopped at a checkpoint. When asked his immigration status, Vasquez told the truth. Vasquez noted how professional the ICE officers were. They fed the Vasquezes, let the father use his cell phone

and kept the door to their cell open. They were released that afternoon and returned to Norwalk the next day. In the months since, Vasquez's community has rallied around him.

**[NY] A New York synagogue fights to defend one of its own from deportation**

[Washington Post](#) [11/23/2018 8:00 AM, Shira Telushkin] reports that for 20 years, Armando Rojas woke up every morning at 5 a.m. He exercised for two hours with his wife, Silvia. He ate breakfast with his two sons, Armando Jr. and Ulises. And then he went to the synagogue. Now, Rojas hasn't been to Bet Torah Congregation since February. That's the Mount Kisco, N.Y., synagogue where he was the custodian, beloved for his easy manner with children and his constant presence, always working late to set up a bar mitzvah or a Sunday school program. The incident that has shaken his family and inflamed a congregation began one night when Rojas was in the wrong place at the wrong time – a local bar, where a fight happened to break out. When police came, they arrested Rojas. While Rojas was fully exonerated of any wrongdoing, the police sent his name to Immigration and Customs Enforcement. Rojas was an undocumented immigrant, and within weeks, his attorney says, he had been placed in detention and then deported to Mexico with no money, cellphone or change of clothes.

Soon after he arrived at his sister's house in Atlitxco, Mexico, she began receiving threatening phone calls. Rojas's three nephews had been killed in that town, according to his attorney and local news sources, and now he feared he and his sister were targets. His sudden deportation shocked his family, which had lived without incident for 30 years in White Plains, N.Y., and forced a new conversation about the stakes of immigration for Bet Torah, a politically diverse congregation of 540 families that previously had little personal exposure to the opaque and often maddening system of immigration proceedings. In the past 10 months, the congregants at this Conservative synagogue have come together in an enormous show of support but have also had to come to terms with the limits of their own influence and power.

**[NJ] Trenton illegal immigrant child molester gets 12 years for sick crime**

[Trentonian](#) [11/24/2018 10:02 AM, Staff, NJ] reports that Edgar Mendoza, 29, of Guatemala, is serving 12 years in state prison for breaking into a Trenton residence and then sexually assaulting a helpless child victim inside the house. Mendoza unlawfully entered the Bayard Street home in Trenton's Chambersburg neighborhood on Sept. 19, 2017, molested a 6-year-old girl in her bedroom and escaped from the second-floor window after the child's father found Mendoza in bed with the victim. After Mendoza jumped out of the window about 1:30 a.m., the father called police and provided a description of the pedophile. Detectives from the Trenton Police Street Crimes Unit later found Mendoza, and the child's parent positively identified Mendoza as the perpetrator. Mendoza was residing in Trenton as an illegal immigrant. His undocumented status may explain why authorities have multiple dates of birth listed under his State Bureau of Identification or SBI number. The New Jersey Department of Corrections currently identifies Mendoza as a 29-year-old born in 1989. Mendoza, also known as Edgar O. Medoza-Guerra and Edgar Gutierrez-Mendoza, may have been born in 1985 or 1990 if he was not born in 1989, court records show. Mendoza was jailed without bail on pretrial detention. A grand jury handed up an indictment on Dec. 15, 2017, charging him with first-degree aggravated sexual assault on a victim under 13, first-degree sexual assault during a burglary, second-degree sexual assault on a victim under 13, second-degree burglary, and third-degree endangering the welfare of a child through sexual conduct.

**[MD] Previously Deported Illegal Alien, with Two Anchor Babies, Gets 25 Years for Raping Deaf Woman**

[Breitbart](#) [11/25/2018 8:10 PM, John Binder, 2405K] reports a previously deported illegal alien – with two U.S.-born children who were given birthright citizenship – has been sentenced to 25 years in prison after raping a deaf woman. Jose Abarca, a 43-year-old repeat illegal alien from Mexico, was sentenced by Montgomery County Circuit Court Judge Michael Mason for a rape he committed 22 years ago, according to WJLA. In October 1996, the illegal alien broke into a Maryland home and raped a deaf woman. Before fleeing the scene, Abarca held a gun to the woman's head and signaled her to be silent. At the time of the rape, police were unable to track down a suspect as the woman only had a general description of the illegal alien and the description of his white van that had been seen near the house the day before. More than 10 years later, Abarca was arrested by the Montgomery County Police for dealing cocaine in March 2008. After serving less than 12 months in prison, Abarca was deported to Mexico. Authorities discovered that the illegal alien's DNA matched the evidence from the 1996 rape of the deaf woman. Abarca was already back in Mexico at the time of this discovery. In 2017, the illegal alien re-entered the U.S. illegally through the U.S.-Mexico border – while his four children and wife crossed illegally in 2015 – and was pulled over in a routine traffic stop this year in Maryland. That's when police arrested Abarca for the rape charge. Abarca's wife and four children are currently seeking asylum in America and are waiting for their asylum case to be heard. When Abarca is released from prison, he will be turned over to the Immigration and Customs Enforcement agency for his second deportation out of the U.S. If he returns to the country again, he could be hit with a life prison sentence.

**[NC] Singing 'Amazing Grace,' a church surrounded an ICE van to stop an arrest. 27 were jailed.**

[Washington Post](#) [11/26/2018 6:23 AM, Meagan Flynn] reports, "Who's willing to get arrested if it comes down to that?" Pastor Cleve May asked two dozen members of his congregation in the parking lot at CityWell United Methodist Church early Friday morning. Hands shot up without hesitation. The congregants were preparing a sort of migrant caravan of their own, shuttling a single Mexican immigrant on a 15-mile journey from the church in Durham, N.C., to the U.S. Citizenship and Immigration Services office building in Morrisville. The undocumented immigrant, Samuel Oliver-Bruno, had an appointment. It was supposed to be routine, just a fingerprint — a step on the road to a deportation reprieve. Oliver-Bruno, a 47-year-old father to a U.S.- citizen son, had been living in a Sunday-school classroom in the church basement for the past 11 months, a refuge where immigration authorities couldn't arrest him. His appointment with USCIS would mark the first time he stepped beyond the church property line since then, and what seemed like half his church went with him because, May said, "we don't really believe that sanctuary is just a building."

[The Hill](#) [11/24/2018 10:38 AM, Tal Axelrod, 2630K] reports, "Mr. Oliver-Bruno is a convicted criminal who has received all appropriate legal process under federal law, has no outstanding appeals, and has no legal basis to remain in the U.S.," U.S. Immigration and Customs Enforcement spokesperson Bryan Cox told The News & Observer in a statement.

The [Huffington Post](#) [11/25/2018 3:19 PM, Nina Golgowski] reports that faith leaders, family members and immigrant rights advocates who had accompanied Oliver-Bruno to his appointment led a protest around the vehicle he was placed in, leading to the arrest of 27 people, according to the Morrisville Police Department. Oliver-Bruno's 18-year-old son was

among those arrested, according to multiple outlets and Alerta Migratoria. Democratic Reps. David Price and G.K. Butterfield of North Carolina suggested in a statement that Friday's biometrics appointment may have been a trap set by Immigration and Customs Enforcement to lure Oliver-Bruno out of the church. ICE generally will not arrest anyone who is inside a church, hospital or school.

[CBS 17](#) [11/25/2018 12:00 AM, Staff, 43K, NC] reports that ICE released a statement to CBS 17: "U.S. Immigration and Customs Enforcement (ICE) arrested unlawfully present Mexican national Samuel Oliver-Bruno during a targeted enforcement action Nov. 23 in metro Raleigh, North Carolina. Mr. Oliver-Bruno is a convicted criminal who has received all appropriate legal process under federal law, has no outstanding appeals, and has no legal basis to remain in the U.S. Mr. Oliver-Bruno was initially arrested by the U.S. Border Patrol in El Paso, Texas, in May 2014 while attempting to illegally enter the U.S. using fraudulent identity documents. He was paroled into the country solely for federal criminal prosecution and convicted in U.S. District Court for the Western District of Texas in May 2014. ICE subsequently encountered Mr. Oliver-Bruno in June 2014 and his case has been subject to extensive appeals, which ultimately concluded Mr. Oliver-Bruno has no legal basis to remain in the U.S."

Reported similarly:

[Washington Post](#) [11/24/2018 5:48 PM, Associated Press]  
[ABC News](#) [11/23/2018 6:11 PM, Julia Jacobo, 2704K]  
[CBS News](#) [11/24/2018 11:48 AM, Associated Press]  
[CBS News](#) [11/24/2018 1:39 PM, Staff]  
[CNN](#) [11/24/2018 6:28 AM, Nicole Chavez and Janet DiGiacomo]  
[FOX News](#) [11/24/2018 3:11 PM, Robert Gearty]  
[MSN News](#) [11/23/2018 7:26 PM, Camila Molina, 55864K]  
[Newser](#) [11/24/2018 2:30 PM, Neal Colgrass, 208K]  
[ThinkProgress](#) [11/24/2018 11:59 AM, Melanie Schmitz, 480K]  
[Jezebel](#) [11/24/2018 2:30 PM, Emily Alford]  
[New York Post](#) [11/24/2018 5:03 PM, Tamar Lapin, 3705K, NY]  
[New York Daily News](#) [11/25/2018 10:02 AM, David Boroff, NY]  
[The Week Magazine](#) [11/24/2018 11:27 AM, Bonnie Kristian, 377K, NY]  
[Washington Examiner](#) [11/24/2018 2:55 PM, Naomi Lim, 567K, DC]  
[ABC 11](#) [11/25/2018 6:18 PM, Julie Wilson, 4K, NC]  
[99.5 WMAG](#) [11/23/2018 4:14 PM, Dennis Elliott, 735K, NC]  
[WRAL](#) [11/23/2018 8:01 PM, Sarah Krueger, 654K, NC]  
[WBTB News](#) [11/24/2018 12:28 AM, Staff, 59K, NC]  
[CBS 17](#) [11/24/2018 11:59 PM, Zak Dahlheimer, 43K, NC]  
[Durham Herald-Sun](#) [11/23/2018 11:05 AM, Camila Molina, 37K, NC]  
[Durham Herald-Sun](#) [11/24/2018 11:09 AM, Mark Schultz and Camila Molina, 37K, NC]  
[WNCT](#) [11/23/2018 4:29 PM, Staff, 29K, NC]  
[INDY Week](#) [11/23/2018 4:27 PM, Leigh Tauss, NC]  
[WTVB](#) [11/24/2018 8:05 AM, Staff, 4K, NC]  
[The Guardian](#) [11/23/2018 3:50 PM, Associated Press, UK]

#### **[FL] ICE Detains Sons Of Allegedly Corrupt Ex-Panama President In Coral Gables**

[WLRN](#) [11/23/2018 8:18 AM, Tim Padgett, 12K, FL] reports that in Panama, the alleged sins of the father may have been echoed in South Florida by the sons. Two sons of former President Ricardo Martinelli – who's facing a corruption trial back in Panama – were

detained here this week. Earlier this week, former Panamanian President Ricardo Martinelli shouted "I'm innocent" inside a court in Panama. A judge there is deciding whether Martinelli will stand trial for allegedly wiretapping political rivals illegally and embezzling millions of dollars to buy the espionage equipment. The right-wing Martinelli, who was Panama's president from 2009 to 2014, is also under investigation for the embezzlement of \$45 million from a program funding food for schools.

Martinelli was extradited to Panama last year after U.S. officials arrested him in Coral Gables, where he was living in a mansion. Now this week the feds have detained Martinelli's two sons, Ricardo and Luis, who have also been living in Coral Gables. In a statement, U.S. Immigration and Customs Enforcement said the sons were living here unlawfully on revoked visas. They themselves face extradition to Panama since they're wanted there on corruption charges related to the Odebrecht scandal. [Editorial note: consult source link for audio]

**[WI] Forum Grapples With Fallout from ICE Raids**

[Madison365](#) [11/23/2018 6:40 AM, Nicholas Garton, WI] reports ICE exists solely to terrorize families – that was the feeling and impression expressed Tuesday at a community forum hosted by Centro Hispano to discuss the Immigration and Customs Enforcement raids that swept across Wisconsin September 21-24 that resulted in 83 arrests, including 20 in Dane County. The forum seemed to serve the dual purpose of discussing how the community can be prepared for the next round of ICE raids and keeping the community aware of the trauma ICE caused here.

Reported similarly: [Madison Capital Times](#) [11/23/2018 1:00 PM, L. Speckhard Pasque, WI]

**[IA] Guatemalan man sent to prison for illegally reentering the United States to live in Webster City**

[North Iowa News](#) [11/24/2018 11:21 AM, Staff, 2K, IA] reports a Guatemalan man who illegally returned to the United States after being deported and was caught living in Webster City, Iowa, was sentenced November 20, 2018, to four months in federal prison. Jorvic Mendez-Mendez, age 26, a citizen of Guatemala illegally present in the United States and residing in Webster City, Iowa, received the prison term after an August 23, 2018, guilty plea to one count of illegal reentry into the United States. At the guilty plea, Mendez-Mendez admitted he had previously been deported from the United States in April 2012 and illegally reentered the United States without the permission of the United States government. Mendez-Mendez was found by immigration agents in July 2018 after Mendez-Mendez was charged in Franklin County, Iowa with driving while barred. Mendez-Mendez admitted he illegally returned to the United States in 2014. The case was prosecuted by Assistant United States Attorney Daniel C. Tvedt and investigated by Department of Homeland Security, Immigration and Customs Enforcement, Enforcement and Removal Operations.

**[TX] Family of teacher killed, learns suspect had criminal past and in U.S. illegally**

[KFOX 14](#) [11/25/2018 12:37 AM, Genevieve Curtis, 9K, TX] reports El Paso Police arrested the man they say was behind the wheel in a deadly hit and run Thanksgiving morning on Cincinnati and Mesa street. 24-year-old Joel Velazquez, is now facing charges of an accident involving death. He appears to be in the country illegally and is now currently on an ICE detention hold, related to his immigration status, meaning he cannot bond out of jail.



Police say he blew through a red light just before 2 a.m. Thursday morning. That's when he hit Amanda "Mandy" Ferguson Weyant, who was in the crosswalk, and took off. Police later found his vehicle abandoned on Cincinnati.

Reported similarly:

[Epoch Times](#) [11/25/2018 10:45 AM, Jack Phillips, 206K, NY]

[Fox 29 San Antonio](#) [11/25/2018 7:11 AM, Genevieve Curtis, 7K, TX]

### **[KS] Kan. man whose business helped his native Gambia faces deportation**

[Hays Post](#) [11/24/2018 2:30 PM, Anne Kniggendorf, KS] reports that Abdoulie Fatajo, a Shawnee, Kansas, philanthropist and community leader from Gambia, was arrested and detained by Immigration and Customs Enforcement (ICE) on November 9. He's being held at the Morgan County Detention Center in Versailles, Missouri. Fatajo's Shawnee-based business, Hy-5 Traders, began as a small bicycle repair and consignment clothing business in 2012. He repaired bicycles at low cost, and donated bikes to children whose parents couldn't afford one. Shortly after an article about him appeared in the Kansas City Star in 2015, Hy-5 Traders blossomed into a multi-warehouse shipping operation. Fatajo now has dozens of American employees and ships not only bicycles, but cars, clothing, food, and household goods to the people of Gambia.

Fatajo arrived on a student visa in November 1999. He said he was enrolled at Penn Valley and then Johnson County Community College until 2003, when he said he began working full time to care for his infant son, who was born in the United States. That same year, he was involved in an altercation with a man who forced his way into Fatajo's apartment. Fatajo was arrested but quickly released, and was not charged in the incident. Shawn Neudauer, ICE spokesman for Kansas/Missouri, said that even though charges were dropped in that altercation, Fatajo did not operate entirely within the law, garnering a few other misdemeanors that immigration officials continue to take into account. Neudauer also questioned whether Fatajo ever enrolled in school after he arrived on his student visa, saying government records do not show that he was enrolled at Penn Valley. Neudauer said that it's not unheard of for immigrants to pay for classes with cash and to enroll under alternate names. Neudauer said that in 2005, the Board of Immigration denied Fatajo's appeal to continue living in the United States, and that Fatajo did nothing more to legally extend his stay here.

### **[WA] Russian asylum-seeker dies after going on hunger strike while in ICE detention in Tacoma**

[Seattle Times](#) [11/25/2018 9:44 PM, Paul Roberts, 634K, WA] reports local immigrants'-rights advocates are demanding an investigation into the death of a Russian asylum-seeker after he went on a hunger strike for almost three months at the Northwest Detention Center in Tacoma. Amar Mergensana, 40, was pronounced dead at 6:05 p.m. Saturday at Tacoma's St. Joseph Medical Center, according to the Pierce County medical examiner. Mergensana had been moved from the detention center to St. Joseph on Nov. 15 after being found unconscious. Media reports at the time erroneously reported that Mergensana had died. The Pierce County medical examiner has yet to conduct an autopsy or determine the cause of death, said Ryann Sale, an investigator with the Medical Examiner's Office. A spokesperson with U.S. Immigration and Customs Enforcement said the agency plans to issue a statement about Mergensana's death by Monday. In a statement issued last Wednesday, ICE said Mergensana had remained in good physical health and had been

monitored daily by medical professionals.

[KNKX](#) [11/25/2018 6:39 PM, Will James, 6K, WA] reports that Tacoma police responded to a 911 call about a suicide attempt at the detention center Nov. 15, police spokeswoman Loretta Cool said. Mergensana had gained attention for a two-month hunger strike he began this summer to protest the federal government's efforts to deport him. He was consuming enough calories to be taken off hunger strike status last month, but remained under medical supervision by U.S. Immigration and Customs Enforcement personnel, said ICE spokeswoman Tanya Roman. Mergensana is the second detainee to die in the 14-year history of the Northwest Detention Center, one of the largest holding spaces in the U.S. for people facing deportation.

Additional reporting:

[Seattle PI](#) [11/25/2018 6:02 PM, Zosha Millman, 236K, WA]

[Crosscut Seattle](#) [11/25/2018 3:06 PM, Lilly Fowler, 15K, WA]

[The Olympian](#) [11/25/2018 4:38 PM, Rolf Boone, 22K, WA]

**[CA] Undocumented teen, in custody for almost a year, ordered released**

[San Francisco Chronicle](#) [11/25/2018 1:13 AM, Bob Egelko, 381K, CA] reports an undocumented mentally disturbed teenager from Guatemala, taken to California by federal officers and locked up for nearly a year, has been returned to his mother in Ohio after a judge in San Francisco ordered officials to justify his confinement. The 17-year-old, identified in court filings as B.D.A.C., was released Tuesday from the Yolo County Juvenile Detention Facility in Woodland and flown to Ohio, where he was reunited with his mother and two adult sisters, said the family's lawyer, Travis Silva. The mother has applied for political asylum, and the youth will also seek protection from deportation, Silva said. In November 2017, another San Francisco federal judge, Vince Chhabria, ordered the federal office to hold hearings for several dozen undocumented teenagers who had been living with government-approved sponsors when they were arrested in gang sweeps and sent to lockups in distant states.

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

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**Tuesday, Nov. 27, 2018**

## **Policy and Legislative News**

'The situation keeps getting worse':  
Unrest at U.S.-Mexico border creates  
new tension over migrant caravan..... 2

Caravan Members Face Long Waits in  
Tijuana, Alongside Other Migrants  
Seeking U.S. Refuge ..... 3

No Clear End to Chaos as Migrants  
Confront U.S. Border ..... 4

U.S. border officials prepare for  
additional confrontations with migrants,  
port closures ..... 4

Trump: Tear gas was necessary to  
repel migrants who rushed toward port  
of entry..... 5

Kirstjen Nielsen claims women and  
children were 'human shields' in tear  
gas attack at border..... 5

Mexico's New Leader Faces Clash With  
Trump Over Migrant Caravan ..... 6

U.S. Weighs Extending Troop  
Deployment at Southern Border ..... 6

Fox's Napolitano: Trump 'cannot legally'  
shut down southern border ..... 7

Caravan Charge Reveals Weakness in  
Border Structures' ..... 7

Border Patrol Chief Says Trump's Wall  
Would Have Been Helpful for Dealing  
With Migrant Caravan..... 8

Violent caravan clash after media  
minimized Trump's warnings..... 8

'They're Playing the Game': Homan  
Says Migrant Caravan Mostly Men  
Seeking Jobs, Not Women and Children  
..... 8

Dem Senator: Trump administration's  
policies 'caused anxiety at the border' ..9

Mexicans' support for migrant caravan  
drops sharply, poll finds..... 10

The U.S. as a Place of Refuge ..... 10

What's Next for the Migrant 'Caravan'?  
..... 10

What's happening with asylum-seekers  
at the border?..... 10

Repelled by tear gas and confusion,  
many migrants leave the caravan to  
return home ..... 11

A look inside the journey of Central  
American migrants bound for the U.S. 11

U.S. asylum laws — here's what to  
know..... 12

Scalia would have applauded the asylum ruling Trump rages about .....	12
Jeff Sessions' unfinished legacy of reversing courts' pro-immigrant rulings .....	12
DHS blasts '60 Minutes' segment on family separation: 'Agenda-driven work of revisionist fiction' .....	12
Fact Check: Is Trump Right About 'Fake 60 Minutes'? Did Obama Administration Separate Families Too? .....	13
DACA Has Not Been Saved — and It May Be in Its Last Days .....	13
Border clashes raise stakes for Trump's hard line immigration approach ahead of wall funding fight .....	13
Map: Illegal immigrants in 42 states, 4.1 million U.S.-born children .....	14
[NJ] ACLU, Hudson freeholders end legal dispute over ICE vote .....	14
[NJ] AG writing new rules for ICE and local cops collaboration .....	15

### Legal News

How Undocumented Black Migrants Are Navigating Immigration Hurdles .....	15
[NJ] 3rd Circ. Says Deportation Not Automatic For Child Abuse .....	15
[FL] Asylum issue not so clear for Davenport couple facing deportation after 25 years .....	16

[NM] Wrongful death lawsuit filed in death of transgender migrant .....	16
[CA] Salvadorian woman in Pinole nervously awaits contact from son seeking asylum at U.S.-Mexico border .....	17
[CA] Immigrants Seek Sanctions Against Feds In Detention Suit .....	17

### Enforcement News

When Police Partner with ICE, Hispanic Students Disappear .....	17
[NY] Canadian Resident Charged With Smuggling Migrants Into U.S. ....	18
[NC] U.S. Reps: Deportation won't happen until man's claim is heard .....	18
[NC] ICE Agent Assaulted After Detaining Illegal Immigrant .....	19
[TX] Suspected Illegal Immigrant Charged in Hit-and-Run Death of TX Teacher .....	20
[NE] Lincoln Mexican restaurant set to reopen this week following federal raid .....	20
[NM] Transgender asylum seeker was beaten before her death, according to new autopsy .....	20
[WA] Medical examiner calls immigrant detainee's death a suicide .....	21
[OR] Man Bribed ICE Officer to Deport Wife and Wife's Daughter After She Filed for Divorce .....	21

## Policy and Legislative News

### 'The situation keeps getting worse': Unrest at U.S.-Mexico border creates new tension over migrant caravan

[Washington Post](#) [11/26/2018 7:01 PM, Sarah Kinosian and Joshua Partlow] reports for the past two weeks, Central Americans with dreams of living safely in the United States have camped out at the Little Padres baseball field, with its dirt infield and clear view of the U.S. border fence. As the days ticked by, thousands of them have waited in lines for servings of donated beans and rice. They have showered under cold water spilling from pipes along the outfield wall and hung their underwear to dry on the chain-link backstop. They've slept shoulder to shoulder on slabs of cardboard and tended to the fevers and hacking coughs of their children. But the dreams of reaching the United States have begun to fade for some here after a chaotic day at the border, where hundreds of migrants rushed the border fence,

and U.S. authorities fired tear gas to repel them. The unrest Sunday prompted more than 500 Mexican federal police to take up positions around the sports complex where more than 5,600 migrants are staying. Tijuana police said 39 migrants had been arrested for participating in Sunday's unrest and causing disturbances. U.S. Customs and Border Protection (CBP) commissioner Kevin K. McAleenan said in a conference call with reporters Monday that an additional 69 migrants were arrested on the California side, while nearly 1,000 people ran through vehicle lanes or tried to cross at other parts of the border.

[Reuters](#) [11/26/2018 8:26 AM, Susan Heavey and Lizbeth Diaz] reports that U.S. President Donald Trump said on Monday that Mexico should send migrants seeking asylum in the United States back to their home countries, a day after U.S. authorities shut the country's busiest southern border crossing and fired tear gas into the crowd. U.S. officials on Sunday reopened the crossing at the San Ysidro port of entry between San Diego and Tijuana, the most heavily trafficked land border in the Western Hemisphere after shutting it down for several hours. Sunday's incident, which took place after a group of people rushed at the border fencing, was the latest chapter in a weeks-long saga that has pitted Trump's hardline stance on immigration against a group of thousands of migrants who have made their way north through Mexico from violent and impoverished Central American countries. As news pictures showing children fleeing tear gas prompted sharp criticism from some lawmakers and rights advocates, U.S. government agencies defended the response.

U.S. Customs and Border Protection officers "were struck by projectiles thrown by caravan members" and "perpetrators will be prosecuted," U.S. Homeland Security Secretary Kirstjen Nielson said on Twitter Sunday night. The migrants, mostly Hondurans, have traveled to the border in large groups, or caravans and now number more than 8,000. Many of the thousands who have gathered in Tijuana have said they will wait there until they can seek asylum. If they enter the United States, legally or illegally, they have a right to seek asylum.

Reported similarly:

[Washington Post](#) [11/26/2018 8:35 AM, Sarah Kinoshian and Joshua Partlow]

[CNN](#) [11/26/2018 3:33 PM, Emanuella Grinberg, Mariano Castillo and Susannah Cullinane]

[NBC News](#) [11/26/2018 3:10 PM, Annie Rose Ramos and Daniella Silva, 3539K]

[Washington Examiner](#) [11/26/2018 1:39 PM, Anna Giaritelli, 567K, DC]

[WHO Radio](#) [11/26/2018 10:07 AM, Steve Gregory, 1K, IA]

[Times of San Diego](#) [11/26/2018 1:34 PM, Debbie L. Sklar, 17K, CA]

### **Caravan Members Face Long Waits in Tijuana, Alongside Other Migrants Seeking U.S. Refuge**

[KQED](#) [11/26/2018 1:15 PM, Farida Jhabvala Romero, 149K, CA] reports tensions flared at the Tijuana-San Diego border on Sunday, after scores of impatient Central American migrants broke off from a protest march in Tijuana that numbered in the hundreds, and tried to get over the border and into the United States. In anticipation, U.S. Customs and Border Protection agents had closed the San Ysidro port of entry to all vehicle and pedestrian traffic earlier in the day. As some migrants threw rocks and attempted to breach the border fence, CBP agents fired tear gas into Mexico and arrested 42 people who entered the U.S. There were also reports that Mexican police had arrested additional protesters in Tijuana. Some Central American migrants told news outlets that they were marching to the border to attract attention to their plight and express frustration with the long wait to present their asylum claims to U.S. immigration authorities. But the thousands who recently arrived in a migrant caravan are not the only ones waiting. U.S. Customs and Border Protection



processes undocumented migrants as "expeditiously as possible," said a spokesman for the agency. The number of individuals CBP can process depend on factors such as the complexity of their cases, translation requirements and detention space, he said. "Port of Entry facilities were not designed to hold hundreds of people at a time who may be seeking asylum. And we are also charged with keeping the flow of legitimate trade and travel," said the CBP spokesman in a statement. "Balancing these demands, keeping illicit goods and people out of the country, and managing the influx of Central Americans seeking asylum ... requires a careful balance of our resources and space."

Additional reporting: [San Diego Union-Tribune](#) [11/26/2018 8:00 AM, Kate Morrissey, CA]

### **No Clear End to Chaos as Migrants Confront U.S. Border**

[New York Times](#) [11/27/2018 12:23 AM, Caitlin Dickerson, Ron Nixon, Helene Cooper and Elisabeth Malkin, 22322K] reports tear gas and the temporary closing of the San Ysidro border crossing in Southern California marked an early confrontation between a caravan of migrants desperate to enter the United States and the governments of America and Mexico trying to hold them back. As more members of migrant caravans arrive just south of the border in Tijuana each day, neither side of the conflict appears willing to back down. The current discord at San Ysidro stems, in part, from confusion over what kind of legal status, if any, the migrants are entitled to from an administration moving quickly to limit options. The caravan from Central America rushed the border after President Trump vowed to make asylum applicants wait in Mexico while their cases are considered to prevent what he called a "costly and dangerous situation." Applying for asylum is often a years' long process. The administration's plan to require people seeking asylum to first enter the United States through "ports of entry" has been blocked in federal court. The result is a state of chaos with no clear end in sight.

### **U.S. border officials prepare for additional confrontations with migrants, port closures**

[Washington Post](#) [11/26/2018 10:33 PM, Nick Miroff and Tracy Jan, 11653K] reports a day after U.S. agents fired tear gas to repel migrants breaking through the border fence in Southern California, Homeland Security officials defended the use of force and their decision to close the country's busiest port of entry, saying they expect additional confrontations and shutdowns. Facing dismal conditions in Mexico and long waits for the chance to request asylum in the United States, thousands of Central American migrants are becoming more agitated, and officials see no quick resolution to the tensions that erupted Sunday. The flow of caravan groups to Tijuana has slowed in recent days, but busloads of other migrants have arrived in Mexicali, 90 miles to the east, where the U.S. border crossing has even less capacity to process asylum seekers. Desperation there could leave U.S. border agents facing volatile crowds in two locations.

Kevin McAleenan, the commissioner of U.S. Customs and Border Protection, told reporters that dozens of assaults were committed Sunday against agents, four of whom were struck by projectiles but spared injury thanks to their protective gear. "U.S. Customs and Border Protection agents and officers in San Diego effectively managed an extremely dangerous situation involving more than 1,000 individuals who sought to enter the U.S. unlawfully and in large groups," McAleenan told reporters Monday. "They did so safely and without any reported serious injuries on either side of the border," he said.

**Trump: Tear gas was necessary to repel migrants who rushed toward port of entry**  
[FOX News](#) [11/26/2018 3:53 PM, Gregg Re] reports speaking to reporters outside the White House before traveling to Mississippi for two campaign rallies, President Trump defended U.S. Border Patrol authorities for using tear gas to repel a crowd of caravan migrants who rushed toward the border on Sunday afternoon. Some of the migrants were videotaped throwing projectiles across the port of entry in San Ysidro, Calif., while others apparently tried to breach fencing. Inbound and outbound traffic there was locked down for approximately six hours in response. "They had to use it; they were being rushed by some very tough people," Trump said. "And so they used tear gas. Here's the bottom line: No one's coming into our country unless they come in legally." The president added that while it's still possible to reach a deal with Mexico to keep the migrants there while they pursue asylum claims to enter the U.S., he is considering locking down the entire southern border. Trump administration officials have characterized the vast majority of asylum claims as fraudulent or legally insufficient, and have taken steps to reduce the backlog of asylum applications.

The [Los Angeles Times](#) [11/26/2018 11:30 AM, Molly Hennessy-Fiske, 3575K] reports U.S. Customs and Border Protection Commissioner Kevin McAleenan praised agents' response, including the use of tear gas, during clashes on Sunday at the San Ysidro border crossing, saying their actions avoided serious injuries on both sides and "effectively managed a potentially dangerous situation." The conflict marked a major escalation in the crisis at the border, spurring U.S. officials to shut the San Ysidro Port of Entry between Tijuana and San Diego, one of the world's busiest international crossings, for more than four hours on Sunday. More than 4,700 Central Americans have been living in a Tijuana sports complex since a large group of immigrants and asylum seekers arrived this month, fleeing increased violence in their home countries and seeking work. There were no serious injuries among immigrants or agents; four agents were hit with rocks but were wearing protective gear, McAleenan said during a Monday briefing. He said 69 immigrants managed to cross the border during the confrontation and were being processed and could face criminal charges related to illegal entry and assaults on agents. McAleenan said he was not aware of any migrants who crossed the border and avoided apprehension.

Reported similarly:

[New York Times](#) [11/26/2018 10:52 PM, Niraj Chokshi, 22322K]

[Huffington Post](#) [11/26/2018 10:41 PM, Angelina Chapin, 9094K]

[Newsweek](#) [11/26/2018 5:12 PM, Cristina Maza, 1720K]

[TIME](#) [11/26/2018 6:15 PM, Colleen Long and Elliot Spagat]

[Newsweek](#) [11/27/2018 6:06 AM, Brendan Cole, NY]

[Washington Times](#) [11/26/2018 2:44 PM, Stephen Dinan, DC]

[Washington Times](#) [11/26/2018 4:22 PM, Stephen Dinan, 547K, DC]

[Huffington Post](#) [11/26/2018 9:11 AM, Jenna Amatulli, 9094K]

[Independent Journal Review](#) [11/26/2018 11:37 AM, Madison Summers, 91K, VA]

[KTXS-TV](#) [11/26/2018 5:47 PM, Stephanie Loiaconi, 26K, TX]

[Pacific Standard](#) [11/26/2018 5:53 PM, Jack Herrera, 83K, CA]

**Kirstjen Nielsen claims women and children were 'human shields' in tear gas attack at border**

[Washington Post](#) [11/26/2018 10:06 PM, Isaac Stanley-Becker, 11653K] reports Kirstjen Nielsen, the Homeland Security secretary, joined President Trump in defending the use of tear gas against migrants seeking to enter the United States to seek asylum on Sunday.

Nielsen also sought to fend off criticism of the severe tactics taken against women and children who appeared in searing photos from the border by suggesting they were used as "human shields." "It appears in some cases that the limited number of women and children in the caravan are being used by the organizers as 'human shields' when they confront law enforcement," she said in a statement. "They are being put at risk by the caravan organizers as we saw at the Mexico-Guatemala border. This is putting vulnerable people in harm's way." The allegation, which she made without evidence, matched one offered by Trump on Monday evening, when he labeled these migrants "grabbers." Nielsen argued that border agents had to use tear gas after some migrants began throwing rocks and bottles at authorities. "The accepted use of nonlethal force prevented further injury to agents and a mass illegal rush across the border," Nielsen said.

[FOX News](#) [11/26/2018 9:33 PM, Gregg Re, 10787K] reports in a statement late Monday, Homeland Security Secretary Kirstjen Nielsen backed up Trump's comments. "It appears in some cases that the limited number of women and children in the caravan are being used by the organizers as 'human shields' when they confront law enforcement," Nielsen said. "They are being put at risk by the caravan organizers as we saw at the Mexico-Guatemala border. This is putting vulnerable people in harm's way."

### **Mexico's New Leader Faces Clash With Trump Over Migrant Caravan**

[New York Times](#) [11/26/2018 9:00 PM, Azam Ahmed and Elisabeth Malkin] reports the new president of Mexico, Andrés Manuel López Obrador, has built his entire political career on defending the poor. Now, days before Mr. López Obrador takes office, President Trump is testing how firmly he will live up to that. Thousands of migrants from Central America have massed along the border of Mexico and the United States — with thousands more on the way. American border patrol agents fired tear gas at them on Sunday to prevent hundreds from reaching the border. Mr. Trump has vowed to keep the migrants on Mexican soil while they apply for asylum in the United States, a process that could squeeze them into squalid, overcrowded shelters for months, possibly even years. Mexican officials say the strain is already causing a humanitarian emergency, creating a political crisis for Mr. López Obrador even before he takes office. Mexico's foreign ministry said Monday it had presented a diplomatic note to the United States Embassy asking for an "exhaustive investigation" into the use of nonlethal weapons at the border on Sunday, where at least two dozen tear gas canisters released by American agents landed in Mexico. But the statement said Mexico would continue to cooperate with the United States on migration. Later, at the White House, Mr. Trump defended the use of tear gas and said: "They're not coming into the United States. They will not be coming into our country." Although images showed families with children running from the gas, Mr. Trump said, "We don't use it on children."

Additional reporting: [The Hill](#) [11/27/2018 6:00 AM, Rafael Bernal]

### **U.S. Weighs Extending Troop Deployment at Southern Border**

[Wall Street Journal](#) [11/26/2018 5:53 PM, Nancy A. Youssef and Alicia A. Caldwell] reports U.S. military and immigration officials are weighing plans to extend the deployment of troops along the Mexican border beyond their original mid-December end date, four U.S. officials said. The Department of Homeland Security hasn't made a formal request for the troops to stay, nor has the Pentagon issued updated orders, the officials said, but one called an extension "very likely." Last week, Department of Homeland Security Secretary Kirstjen Nielsen said, "I have spoken with Secretary Mattis directly, and I have no doubt they will

continue to partner with us in this mission until it is resolved." Tensions have been rising on the border as a caravan of migrants fleeing violence in Central America stalls on the Mexican side, awaiting the opportunity to apply for asylum in the U.S. The Trump administration, whose aggressive anti-immigrant policies are central to its agenda, is in talks with the Mexican government over a plan that would require migrants seeking asylum in the U.S. to wait in Mexico while their claims are adjudicated.

[10 News](#) [11/27/2018 1:46 AM, Mario Tama, 71K, CA] reports the Department of Defense announced Monday that it plans to move an additional 300 troops to the California border, according to ABC News. The announcement was made after hundreds of migrants rushed the border in a show of force, causing the San Ysidro port of entry to close for hours. The troops were assigned to the Texas and Arizona borders, a spokesperson for U.S. Northern Command tells ABC News. The decision was reached following an assessment by US Customs and Border Protection after the 500 migrants rushed the border. The majority of the 300 troops will be Military Police units as well as engineers. There are now 5,600 troops at the southern border in support of CBP, 1,800 of those are in California.

Reported similarly:

[TIME](#) [11/26/2018 8:04 AM, Staff, 3468K]

[ABA Journal](#) [11/26/2018 9:30 AM, Debra Cassens Weiss, 43K]

[Epoch Times](#) [11/26/2018 12:20 PM, Zachary Stieber, 206K, NY]

### **Fox's Napolitano: Trump 'cannot legally' shut down southern border**

[The Hill](#) [11/26/2018 12:44 PM, Justin Wise, 2630K] reports Fox News senior judicial analyst Andrew Napolitano said Monday that cannot legally follow through with his threat to shut down the U.S.-Mexico border. "He cannot legally do it," Napolitano said on Fox News. "We know that because of federal statutes. They were last revised in 1986 when our relationship with migrants coming north was very different than it is now." "But that's the law as he finds it and that's the law as he is required to enforce it," Napolitano continued. "And that's the law that the federal judge in San Francisco that the president attempted to disparage by calling an 'Obama judge' told him he had to enforce as well." Napolitano noted that Trump doesn't have to tolerate "lawlessness," but said that according to the law, migrants who have a "bonafide asylum claim, meaning you are escaping a government that is pursuing you, or escaping a government that is failing to enforce basic law and order, can enter the U.S." "The president doesn't want to hear this but it's the law," he added.

### **Caravan Charge Reveals Weakness in Border Structures'**

[Epoch Times](#) [11/26/2018 4:44 PM, Petr Svab, 206K] reports Central American migrants attempted to break through the U.S.-Mexico border in Tijuana near San Diego, the U.S. Border Patrol chief said such places where the border fencing could be readily overwhelmed need a wall. "Without a doubt we could use a wall in an area like that," Chief Agent Brian Hastings told The Hill on Nov. 26. Long parts of the fencing are made of "landing mat," corrugated steel used as helicopter landing pads in the Vietnam War and installed on the border a quarter-century ago. "It is certainly out of date and does not meet our requirement for what we need with a wall," Border Patrol Chief Carla Provost told Fox News on Nov. 26. At one spot, a group of migrants found or made a gap between the old corrugated fencing and the newer anti-ram fence, where they were repelled by U.S. law enforcement using tear gas.

## **Border Patrol Chief Says Trump's Wall Would Have Been Helpful for Dealing With Migrant Caravan**

[Newsweek](#) [11/26/2018 1:19 PM, Jenni Fink, 1720K] reports as Border Patrol agents clashed with the migrant caravan as it approached the southern U.S. border, Border Patrol chief Brian Hastings said President Donald Trump's border wall would have made a difference. Speaking to Hill.TV host Buck Sexton, Hastings said that Border Patrol officers agents were making 2,000 arrests a day, not including anyone traveling with the caravan. Hastings called it "everyday business" for the law enforcement agency. "This caravan just adds another component or another challenge to what we do daily."

## **Violent caravan clash after media minimized Trump's warnings**

[FOX News](#) [11/27/2018 3:30 AM, Howard Kurtz, 10787K] reports that the caravan situation got out of control in Tijuana on Sunday as hundreds of migrants tried to evade Mexican police and ran toward a border crossing that leads to San Diego. Customs officials shut down the border for hours and fired tear gas to push the migrants back. Some threw rocks at the American officers, a number of whom were hit, and the border was shut down for hours. Some 42 migrants were arrested on the U.S. side. The inevitable political question: Was President Trump right about the caravan? The media depicted the president as shamelessly hyping the threat from the caravan, which started in Honduras, solely to rouse his base for the midterms. Trump did pound away at the caravan as part of an effort to make illegal immigration a major midterm issue. Most of the media treated the traveling migrants as sympathetic figures who didn't pose a threat to anyone. Not all the migrants were a threat, and many legitimately hoped to seek asylum from persecution or economic hardship. The hundreds who stormed the San Diego border, in what began as a protest against slow-moving asylum claims, clearly included many violent people trying to injure federal agents.

The [Washington Examiner](#) [11/26/2018 3:33 PM, Eddie Scarry, DC] reports that some in the national news media on Monday were playing up members of the Central American caravan as mostly young, nonviolent families who are "desperate" to claim asylum in the United States, even after Mexico said Sunday that many were so violent they had to be deported in order to avoid destabilizing the U.S.-Mexico relationship. U.S. border officials on Sunday fired tear gas at the Tijuana border crossing after Mexican authorities were overwhelmed by migrants trying to push through into the United States. The Mexican Interior Ministry said in a statement it would be deporting those who acted "violently" and "illegally," and the U.S. side reported that rocks and bottles were being thrown at U.S. border agents. The ministry said the actions of the migrants violated Mexico's legal migration framework and could have led to a "serious incident." Tijuana Mayor Juan Manuel Gastélum Buenrostro said in a post on Facebook that he wouldn't permit the "bad" behavior to threaten his city's relationship with the United States. He also in a previous post last week that he would not "indent" Tijuana by offering public services to the migrants and called on Mexico's federal government to be "held responsible." But on Monday morning, some journalists and political commentators avoided any mention of these violent acts, and instead focused on the plight of some of the families traveling with the more violent young adult males.

## **'They're Playing the Game': Homan Says Migrant Caravan Mostly Men Seeking Jobs, Not Women and Children**

[FOX News](#) [11/26/2018 11:14 AM, Staff] reports that former Acting ICE Director Thomas Homan warned that the migrant caravan at the U.S.-Mexico border consists mostly of men



seeking work, not women and children fleeing persecution. Over the weekend, hundreds of migrants from the Central American caravan rushed the border at the port of entry in San Ysidro, Calif. U.S. border agents shot several rounds of tear gas after some migrants attempted to penetrate various points along the border and threw what appeared to be rocks at U.S. authorities. President Trump has threatened to "permanently" shut the border down if Mexico doesn't deport the migrants back to their countries of origin. On "America's Newsroom" Monday, Homan said Trump is "right on target," because Mexico must step up and deal with the caravan, which he claimed consists mostly of migrants without legitimate asylum claims. "We've got to look at the facts here. A minority of this caravan -- a small minority -- is actually family members, women and children. Most of them are adult males," Homan said. He said the people "coordinating" the caravan intentionally display the women and children prominently, and the media runs with those images "to pull the heartstrings of America." "They're playing the game, some of the media outlets are playing the game," Homan said. "This is a vast majority of males seeking employment in the United States, not women and children." He said men seeking employment in the U.S. is not a legitimate reason to claim asylum at the border. [Editorial note: consult source link for video]

The [Washington Examiner](#) [11/26/2018 12:22 PM, Anna Giaritelli, 567K, DC] reports Homan also blamed Congress on Monday for the thousands of migrants headed toward the southern U.S. border through Mexico. "There would not be a caravan today if they would have closed the loopholes on Flores settlement agreement about detaining families or raised the bar for asylum," Homan said on Fox News Monday. Homan said Democrats' calls to get rid of ICE, along with the creation of cities that will not cooperate with the agency to hold criminals in the country illegally, has given those attempting to unlawfully enter the country more reason to do so because they will be protected from federal law enforcement. Homan applauded President Trump's handling of the situation after Trump called Monday morning to "permanently" shut down the southern border if Mexico did not deport those waiting on the south side of the border. He said Trump's proposal was "absolutely perfect" because "Mexico needs to step up and take action." "Shutting the border down is gonna hurt Mexico a lot more than it's gonna hurt this country," Homan said.

### **Dem Senator: Trump administration's policies 'caused anxiety at the border'**

[The Hill](#) [11/26/2018 8:29 AM, Brett Samuels, 2630K] reports that Sen. Ben Cardin (D-Md.) on Monday blamed the Trump administration for causing "anxiety" at the southern border a day after border agents fired tear gas in response to migrants attempting to breach the border. "There's a better way to handle this. The United States, the Trump policies has caused anxiety at the border," Cardin said on CNN's "New Day." "There's an orderly process that should have been used," he added. "Should we fix our immigration system? Absolutely. But this administration has made no effort to fix our immigration system."

President Trump has repeatedly blamed Congress and Democrats, in particular, for failing to pass legislation hardening the country's immigration laws. The White House and lawmakers have been unable to reach an agreement on a host of immigration issues, though Congress has provided some funding for border security. Cardin said Monday that the Trump administration has enacted policies that have exacerbated the problem at the border with the so-called caravan of Central American migrants, citing the White House's move to curb immigrants ability to claim asylum and with the previous policy of separating families who illegally cross the border. [Editorial note: consult source link for video]

### **Mexicans' support for migrant caravan drops sharply, poll finds**

[NBC News](#) [11/26/2018 7:10 PM, Nicole Acevedo and Annie Rose Ramos, 3539K] reports the Trump administration does not want the caravan of Central American migrants to enter the U.S. But members of the caravan are also facing a growing backlash in Mexico, according to a new survey. A poll released Sunday by El Universal, one of Mexico's biggest newspapers, found seven in 10 Mexicans have a negative view about the arrival of the migrant families, with more than half – 52 percent – supporting blocking them from entering the country without legal documents and 55 percent supporting tougher measures on future caravans. Support for the migrant families has also dropped in the last few months, the survey found.

This has implications for President-elect Andres Lopez Obrador, who takes office on Dec. 1: About half, 52 percent, of Mexicans opposed his announced measure to give work visas to Central American migrants, while 40 percent support the measure. Mexicans who live in the Tijuana-San Diego border area near the San Ysidro Port of Entry – one of the busiest legal border-crossing sites in the world - are feeling the effects of the standoff between U.S. authorities and the Central American migrants hoping to cross into the U.S. and seek asylum.

### **The U.S. as a Place of Refuge**

[New York Times](#) [11/27/2018 4:00 AM, Michael Barbaro] reports as large groups of Central American migrants approach the U.S. border, the Trump administration is making it more difficult for them to apply for asylum. Is the president undermining the original concept of asylum, or is he restoring it? On today's episode: Caitlin Dickerson, who covers immigration for The New York Times. [Editorial note: consult source link for audio]

### **What's Next for the Migrant 'Caravan'?**

[Washington Post](#) [11/26/2018 3:45 PM, Matthew Bristow and Michael McDonald, 11653K] reports a "caravan" of Central American migrants seeking a fresh start in the U.S. is nearing the end of one perilous journey and starting the next. An overwhelmed refugee shelter in Tijuana, just yards from the U.S. border, has become home to thousands of the migrants, adults and children, who may need to wait months for their applications to be considered at the main port of entry to San Diego. On Nov. 25, U.S. agents shot several rounds of tear gas at migrants after some tried to breach a fence. U.S. President Donald Trump, confronting an issue near to his heart, has tried to make it harder to apply for asylum and even threatened to close the border with Mexico. Most in the caravan that became a U.S. campaign issue are said to be Hondurans fleeing poverty, joblessness and extortion in one of the world's most violent and gang-ridden nations.

Additional reporting:

[UPI](#) [11/26/2018 7:04 PM, Patrick Timmons, 303K]

[New York Magazine](#) [11/26/2018 4:24 PM, Chas Danner and Amanda Arnold, 1331K, NY]

### **What's happening with asylum-seekers at the border?**

[PBS](#) [11/26/2018 11:36 PM, Joshua Barajas] reports the busiest port of entry along the southwest border was shut down by U.S. immigration officials this past weekend after hundreds of Central American migrants hoping to declare asylum attempted to cross fencing that separates Mexico and the U.S. U.S. agents responded to the breach, as well as reports of rocks and bottles thrown by protesters at the border, by firing tear gas at the

thousands of Central American migrants who had gathered near the San Ysidro border crossing in Tijuana, Mexico, for a demonstration. Images showing families fleeing tear gas prompted outrage from some American lawmakers and advocates about the growing violence against migrants seeking asylum in the U.S. The Department of Homeland Security said it was responding to "lawlessness." And President Donald Trump urged Mexican officials to move the migrants away from the border. The number of Central American migrants seeking asylum from their home countries has been growing in Tijuana. Since the first members of the caravan arrived a couple weeks ago, the group amassed in the border city has grown to about 5,000 people.

On Sunday, there was a planned, peaceful demonstration outside the San Ysidro port of entry to protest the wait times. Anticipating the protest, U.S. immigration officials said they deployed additional resources to the area. The protest gradually moved toward a pedestrian crossing at the port. There, the situation escalated as hundreds of protesters clashed with Mexican police equipped with riot gear and some migrants attempted to cross in different spots along the border, according to U.S. Customs and Border Protection. Some U.S. personnel were struck by various projectiles hurled by migrants. That's when U.S. immigration agents fired tear gas on the migrants, according to government officials. They also closed all vehicle and foot traffic through the port, which receives tens of thousands of vehicles and pedestrians moving northward each day. The closing lasted almost six hours. Defending the U.S.'s response, Homeland Security Secretary Kirstjen Nielsen said in a statement Sunday that the port of entry was closed "to ensure public safety in response to large numbers of migrants seeking to enter the U.S. illegally."

**Repelled by tear gas and confusion, many migrants leave the caravan to return home**  
[Los Angeles Times](#) [11/27/2018 3:00 AM, Robin Abcarian] reports for hopeful migrants who traveled so many miles, the American border was supposed to be the beginning of a new life, not a return to the old one. But the day after American authorities rained down tear gas on men, women and children who had tried to rush the border, the brutal reality hit home: America's fraying welcome mat has been replaced with coils of concertina wire. For some migrants in the caravan, Sunday's spurt of violence, which seemed to have begun when a handful of migrants chucked rocks over the border fence, was too much. Hundreds, in resignation, decided Monday to take up the Mexican government's offer to return them to their Central American homelands. The problem is, the migrants don't know what they are waiting for. They want to cross the border and apply for asylum. But the Trump administration seems hellbent on changing American policy to keep them in Mexico while asylum claims are processed. No agreement has been struck with Mexico, which is inaugurating a new president on Saturday, and the lack of information is leading to a sense of desperation, which resulted in Sunday's chaos.

**A look inside the journey of Central American migrants bound for the U.S.**  
[CNN](#) [11/26/2018 11:53 AM, Patrick Oppmann and Natalie Gallon] reports that Carlos Gomez took a break last month on a potholed road in southern Mexico littered with abandoned shoes and empty water bottles. The journey's toll was etched across his face. "I am feeling some chills," Gomez said. "I have had a fever for a few days." The 52-year-old was among thousands of Central American migrants who entered Mexico from Guatemala last month. They've trudged along for weeks despite exhaustion and threats from the U.S. and Mexican governments to turn back. Few of them have any money. Some would have gone hungry long ago if not for the generous Mexicans and municipalities that offered them

tamales and pineapple juice along the route. Many are wearing flip-flops, rubber clogs or sneakers that are falling apart. Like others, Gomez has faced grueling heat and torrential rains. At night, the group members slept on sidewalks before waking each morning to depart again for their daily marathon.

### **U.S. asylum laws — here's what to know**

[CBS News](#) [11/26/2018 1:51 PM, Staff] reports that the clash between the migrant caravan and U.S. authorities along the Mexican border in recent days highlights a contentious topic in the immigration debate: asylum laws. Federal law recognizes the right of asylum, and tens of thousands of refugees settle in the U.S. every year. However, proponents of stricter immigration laws say that the asylum system is being abused by migrants, such as the people traveling in the recent caravans.

### **Scalia would have applauded the asylum ruling Trump rages about**

[The Hill](#) [11/26/2018 5:12 PM, Gregory J. Wallace, 2630K] reports President Trump went on a tirade after District Court Judge Jon S. Tigar, an Obama appointee, blocked his attempt to restrict asylum applications. But surprisingly little attention has been paid to the merits of Tigar's ruling in *East Bay Sanctuary Covenant v. Donald J. Trump*. Not only was that ruling correct but it followed a legal doctrine advocated by no less a conservative legal hero than the late Supreme Court Associate Justice Antonin Scalia. The issue in *East Bay Sanctuary Covenant* was whether the Trump administration had the authority to deny asylum to immigrants unless they cross the border at a designated port of entry.

On Nov. 9, the president issued a proclamation, and the attorney general and the Department of Homeland Security promulgated a rule, that denied asylum to immigrants who crossed at any other location. The presidential proclamation and the rule directly conflicted with a congressionally enacted statute. In the *Illegal Immigration Reform and Immigrant Responsibility Act of 1996*, a Republican-controlled Congress mandated that an immigrant present in the United States or "who arrives in the United States" may apply for asylum "irrespective of such alien's status."

### **Jeff Sessions' unfinished legacy of reversing courts' pro-immigrant rulings**

[San Francisco Chronicle](#) [11/26/2018 8:00 AM, Bob Egelko, CA] reports in 21 months as the nation's attorney general, Jeff Sessions affected no area of public policy more than immigration, from his "zero tolerance" orders to arrest and prosecute all unauthorized border crossers to establishing new rules speeding up deportations and limiting legal challenges.

### **DHS blasts '60 Minutes' segment on family separation: 'Agenda-driven work of revisionist fiction'**

[FOX News](#) [11/26/2018 5:52 PM, Brian Flood] reports the Department of Homeland Security blasted "60 Minutes" on Monday in a scathing statement that called a segment from Sunday's episode "an agenda-driven work of revisionist fiction" – but the CBS News program is standing by its story about families being separated at the border. The "60 Minutes" investigation by correspondent Scott Pelley explored the Trump administration's strict immigration policies. "Our investigation has found that the separation of families began far earlier and detained many more children than the administration has admitted," Pelley said. The report apparently infuriated President Trump, who took to Twitter, labeling it "phony," but DHS took things further on Monday. "'60 Minutes' irresponsibly aired flawed

reporting, which displayed disregard for the truth and a fundamental misunderstanding of our nation's immigration system and the Administration's zero-tolerance policy for prosecuting illegal border crossers. DHS chose not to participate in the taping of this hit piece as it was clear from the start this was an agenda-driven work of revisionist fiction," DHS Assistant Press Secretary Katie Waldman said in a statement. "The piece inaccurately conflated the responsibilities of the Department of Homeland Security and the Department of Health and Human Services—the former apprehends illegal aliens (including minors) for illegal acts and the latter is responsible for care and custody of unaccompanied alien minors," Waldman continued. "Additionally, '60 Minutes' was complicit in allowing one interviewee to peddle absurd fabrications about the actions of the men and women of the U.S. Border Patrol as they carried out the Administration's zero-tolerance policy."

### **Fact Check: Is Trump Right About 'Fake 60 Minutes'? Did Obama Administration Separate Families Too?**

[Newsweek](#) [11/26/2018 6:25 AM, Katherine Hignett, 1720K] reports that child separation began some nine months earlier than President Donald Trump's administration previously admitted, CBS's 60 Minutes reported Sunday. A pilot program that ran from July 2017 to November 2017 saw an unknown number of migrant children separated from their parents, CBS claimed. But Trump blasted the "phony" news segment in two tweets that claimed his government had "the exact same policy as the Obama administration." "Obama separated children from parents, as did Bush etc., because that is the policy and law. I tried to keep them together but the problem is, when you do that, vast numbers of additional people storm the Border," Trump tweeted. "So with Obama separation [sic] is fine, but with Trump it's not. Fake 60 Minutes!"

Reported similarly:

[Huffington Post](#) [11/26/2018 6:26 AM, Willa Freij]

[MSNBC](#) [11/26/2018 9:00 AM, Steve Benen, 1177K]

[The Daily Caller](#) [11/26/2018 4:01 PM, Benny Johnson, 909K, DC] reports

### **DACA Has Not Been Saved — and It May Be in Its Last Days**

[Pacific Standard](#) [11/26/2018 2:21 PM, Jack Herrera, CA] reports that if you read headlines in the last month, you might think that the Deferred Action for Childhood Arrivals program, known as DACA, was in good shape. "Dreamers Win Round in Legal Battle to Keep DACA," the New York Times announced on November 8, the day a federal appeals court upheld a California judge's injunction forbidding the Trump administration from rescinding the program. "Today's decision is a tremendous victory," Xavier Becerra, California's attorney general, said in a statement. For many Dreamers (as DACA recipients are commonly called), however, the month's news, like other supposed wins for DACA, inspired little optimism. "I see a lot of people call [these court decision] victories," says Indira Marquez Robles, a DACA recipient attending university in Atlanta. "In a way, I do see it as a victory. But with these victories, there's no real change. I always feel like it's more like just holding on." Legal experts tend to agree with Marquez Robles. Though DACA has scored a string of legal successes since the Trump administration attempted to end the program, these have done little to protect the program.

### **Border clashes raise stakes for Trump's hard line immigration approach ahead of wall funding fight**



[Washington Post](#) [11/26/2018 6:27 PM, David Nakamura, 11653K] reports the outcome of President Trump's escalating confrontation with Central American asylum seekers could prove vital in demonstrating whether his hard-line immigration strategy can pay off ahead of a looming fight for border-wall funding. Trump's presidency is shaping up as a crucible to test the belief among border hawks that an all-consuming focus on enforcement and deterrence will drive down illegal immigration more effectively than other ideas from moderates and liberals, including additional legal pathways for migrants to remain in the country. So far Trump has been largely stymied on his top campaign promise to reduce the pressure on the U.S.-Mexico border – even as he is demanding at least \$5 billion for the wall. The violent clashes at the border between San Diego and Tijuana over the weekend represent the third major inflection point in the Trump administration's shock-and-awe enforcement strategy – after the limitations of the travel ban and the failure of a family separation policy. Like those efforts, Trump's restrictions on the asylum system have quickly been restrained by federal courts.

The [Washington Examiner](#) [11/27/2018 12:00 AM, Susan Ferrechio, 567K, DC] reports the top Senate appropriator said Monday President Trump is insisting a must-pass spending bill include at least \$5 billion for building a southern border wall, despite opposition from Democrats who want to spend no more than \$1.6 billion. "The president wants that," Sen. Richard Shelby, R-Ala., who is chairman of the Senate Appropriations Committee, said Monday. "I'm trying to work it out. Five billion doesn't seem unreasonable to me." Shelby, along with Majority Leader Mitch McConnell, R-Ky., will be working closely with Democrats and Republicans in both chambers to hammer out a final deal to fund seven spending bills that are set to expire Dec. 7. Sen. Chuck Schumer, D-N.Y., said this month that he wants the bill to include the \$1.6 billion that was included in a bipartisan Senate spending bill to fund Homeland Security. Homeland Security Committee Chairman Ron Johnson, R-Wis., said he supports Trump's effort to gain control over the border and noted the vast majority of children who attempt to cross over are boys aged 15 and older. Johnson said Congress needs to pass legislation to fix the immigration process in order to stop the border surges and to allow quick processing with additional judges and detention centers that would prevent families from being split up.

#### **Map: Illegal immigrants in 42 states, 4.1 million U.S.-born children**

[Washington Examiner](#) [11/26/2018 2:44 PM, Paul Bedard, DC] reports that populations of illegal immigrants large enough for the U.S. Census Bureau to count have moved into 42 states, according to a new analysis of the 11.3 million in America. About 1.7 million live in just four California counties alone, Los Angeles, Orange, San Diego and Riverside. And in two non-border counties, Cook in Illinois and Queens in New York, there are over 500,000 illegals. In a series of maps drawn from federal data, the Migration Policy Institute report titled Settling In: A Profile of the Unauthorized Immigrant Population in the United States, shows where the illegal immigrants are, how long they have been in the United States, and which country has sent the most. That title goes to Mexico. There are nearly six million illegal immigrants from Mexico in the country. What's more, the group said that more than half of all illegal immigrants have lived in the United States for at least 10 years, based on Census data.

#### **[NJ] ACLU, Hudson freeholders end legal dispute over ICE vote**

[Warren Reporter](#) [11/26/2018 11:28 AM, Terrence T. McDonald, 854K, NJ] reports the American Civil Liberties Union of New Jersey has agreed to end its lawsuit against Hudson

County's freeholder board over the board's alleged violations of the state Open Public Meetings Act. The two parties agreed last week to end the legal dispute, which started Aug. 27 in Hudson County Superior Court. The ACLU filed the lawsuit on behalf of a group of local religious leaders in August, claiming the freeholders violated OPMA when they voted in July to renew the county's contract with U.S. Immigration and Customs Enforcement. The board took that vote after telling members of the public the ICE vote would occur at a later meeting.

### **[NJ] AG writing new rules for ICE and local cops collaboration**

[Times of Trenton](#) [11/26/2018 7:58 AM, Joan Quigley, 854K, NJ] reports that if you aren't a citizen or a green card holder, and you get arrested, whether or not you are detained by ICE probably depends more on where you are arrested than the crime you are charged with. New Jersey Attorney General Girbor Grewal wants to change that. According to New Jersey Policy Perspective, orders to detain arrestees peaked in 2009 and then steadily declined each year until 2016. Under the Trump administration, however, they increased 87.5 percent in New Jersey and 40 percent nationally. Although ICE demands to know the immigration status of all persons arrested and can request "holds" on certain arrestees, compliance by local agencies is voluntary unless ICE obtains a judicial warrant ordering a person to be held. Some law enforcement agencies honor those demands scrupulously, some now and then, and some not at all. The ACLU says courts have ruled that law enforcement officials cannot be forced to detain immigrants without a warrant issued by a judge. Doing so would violate the constitution, said Anol Sinha, ACLU Executive Director.

## **Legal News**

### **How Undocumented Black Migrants Are Navigating Immigration Hurdles**

[Capital and Main](#) [11/26/2018 7:13 PM, Carla Pineda] reports the truth became clear to Sadat Ibrahim early. At the age of 18, he knew his life would be difficult as a queer person in Ghana. "It's against the law, and it's terrible back home when we are labeled LGBT," Ibrahim says. "Most LGBT people live a secret life." He was attacked by a vigilante group in August 2015 and fled the country soon after, fearing for his life. He traveled through a few Latin American countries until he was detained in his attempt to cross the United States-Mexico border. After spending two years and seven months in the prison-like conditions of detention centers, he was released July 25. His asylum case is currently under review. If it wasn't for a fellow detainee who overheard his story and handed him phone numbers for immigrant rights groups, he could still be detained — or could be back in Ghana. Now that he's out, he communicates with his legal team daily. A pastor purchased a cell phone for him, and without it, he would feel just as out of touch as he felt in detention. Undocumented black migrants are building an informal network to help each other navigate their uncertain immigration status in the U.S. While they are inclined to share immigration information by word of mouth, and are doing so at basic one-on-one and grassroots levels, they also are using technology to spread the word within the digital communities they trust. Whether they use WhatsApp to call family back home, Instagram to get news, or Facebook to live stream legal information sessions, black immigrants are using innovative methods to communicate — and to organize.

### **[NJ] 3rd Circ. Says Deportation Not Automatic For Child Abuse**

[Law 360](#) [11/26/2018 9:19 PM, Nicole Narea] reports the Third Circuit on Monday ruled that a green card holder convicted of possessing child pornography under New Jersey law was eligible for cancellation of his deportation order, finding that the crime did not qualify as an "aggravated felony" requiring his removal. The precedential opinion, penned by U.S. Circuit Judge Joseph Greenaway Jr., asserts that Mexican national Victor Manuel Frutis Salmoran's conviction qualifies as a "crime of child abuse," but not as an "aggravated felony." He is, therefore, still removable, but he can apply for cancellation of removal under the Immigration and Nationality Act, the court found. Salmoran had been granted legal permanent residence in 2004 and pled guilty to possessing child pornography in 2012. The U.S. Department of Homeland Security consequently initiated deportation proceedings against him in 2016 on the basis that he had been convicted of an "aggravated felony crime of sexual abuse of a minor." An immigration judge found that his conviction did not categorically qualify as such, but rather as an "aggravated felony for child pornography and a crime of child abuse." Salmoran sought review at the Board of Immigration Appeals, which affirmed that his conviction "categorically constitutes a crime of child abuse" and an aggravated felony. It also found that he was statutorily barred from applying for cancellation for removal. The government is represented by Brianne W. Cohen and Lindsay Dunn of the U.S. Department of Justice's Office of Immigration Litigation.

**[FL] Asylum issue not so clear for Davenport couple facing deportation after 25 years**  
[WTSP](#) [11/26/2018 5:52 PM, Eric Glasser, FL] reports when we hear about the asylum issue taking place right now, especially along the U.S. border with Mexico, things can seem very black-and-white. But for a Tampa Bay family from Davenport, there's a lot of gray areas, and it's turning their lives upside down. Although they came here legally 25 years ago they might now face deportation. "We love the USA," said Miguel Torres-Bruno. "We came for the American dream. And we've paid the price." Torres-Bruno and his wife Martha Garcia came to the U.S. from Peru and Argentina, legally seeking asylum when their countries were in the grip of terrorist attacks in 1993. But the courts took nearly 10 years to get around to the couple's case. By that time, a judge decided there was no longer a threat of death in their home country, and their asylum requests were denied. Despite entering the country legally, and despite having made a productive life here, the couple is now considered a deportation priority by the Trump administration. On Monday, along with their attorney, Miguel and Martha entered the ICE offices in Tampa, risking immediate removal in order to file for a stay of deportation. Instead, they were given just 60 days for a review and were told to buy plane tickets by January 2.

**[NM] Wrongful death lawsuit filed in death of transgender migrant**  
[10 News](#) [11/26/2018 4:26 PM, Mary McKenzie, 71K, CA] reports a lawsuit was announced Monday over the death of Roxsana Hernandez, a transgender woman who died in Immigration and Customs Enforcement custody earlier this year as she sought asylum at the border. Hernandez arrived at the U.S.-Mexico border in San Ysidro in May from her native Honduras, but Transgender Law Center Director Lynly Eyles said Hernandez "came to the U.S. seeking protection and instead was met with torture." "An independent autopsy report reveals that Roxsana was shackled for a long time and very tightly, enough to cause deep bruising on her wrists. She also had deep bruising injuries consistent with physical abuse with a baton or asp while she was handcuffed, according to an examination of the tissue by an independent expert board-certified forensic pathologist," Eyles said. According to attorneys, Hernandez died from dehydration after being denied water and medical care.

### **[CA] Salvadorian woman in Pinole nervously awaits contact from son seeking asylum at U.S.-Mexico border**

[KTVU](#) [11/26/2018 7:48 PM, Cristina Rendon, CA] reports a woman seeking asylum in the U.S. is closely watching the developments at the southern border as she waits for her teenage son to cross with the migrant caravan. Veronica Aguilar of El Salvador said her 15-year-old son is with other minors as part of the migrant caravan in Tijuana, Mexico. She said her son was being helped by immigration attorneys, but he was detained by the Mexican government along with seven other minors as they attempted to cross the border and apply for asylum last week. She is unsure what will happen next. "I won't feel calm or at peace until he's with me," Aguilar said last week at a home in Pinole. The 36-year-old currently lives with Ann and Kent Moriarty. The couple agreed to sponsor Aguilar while she appeals the denial of her asylum case. Aguilar said she fled gang violence and death threats in her home country. Aguilar came to the U.S. in October 2017 in a smaller migrant caravan and applied for asylum at the San Ysidro port of entry. She was detained for seven months. She said an immigration judge gave her bail of a \$15,000 and she could only be released to a sponsor family.

### **[CA] Immigrants Seek Sanctions Against Feds In Detention Suit**

[Law 360](#) [11/26/2018 7:13 PM, Kevin Penton] reports a class of immigrants who allege the Los Angeles County Sheriff's Department unlawfully detained them based on warrantless requests from federal immigration authorities have urged a California federal court to sanction the federal government for a series of delays in the case. The immigrants asked the Central District of California to sanction the federal government for failing to timely turn in pretrial filings, leaving the class a week behind in preparation compared to the defendants, who benefited from having timely access to the immigrants' comparable filings, according to an application for sanctions filed Friday. The delays included an "emergency dental issue" that allegedly popped up for U.S. Department of Justice attorney J. Max Weintraub on the morning of a deadline for the federal government to file certain memorandums in the case, according to the application. The class sought for the court to push back relevant deadlines in the case by a week, to bar the federal government from making any "untimely motions" in response to the immigrants' witnesses or exhibits and to order the federal government to pay the immigrants' relevant attorneys' fees, according to the application. U.S. District Judge Andre Birotte Jr. ruled in February that the Los Angeles County Sheriff's Department unlawfully detained immigrants based on warrantless requests from federal immigration authorities, finding that the practice violated the Fourth Amendment. Because nonfederal officers can only detain immigrants based on suspected criminal activity and not for suspected civil immigration violations, the department lacked the authority to hold the individuals — arrested on unrelated criminal charges — in custody beyond the point they were due to be released from jail, the judge found as he granted the immigrants' motion for summary adjudication.

## **Enforcement News**

### **When Police Partner with ICE, Hispanic Students Disappear**

[U.S. News & World Report](#) [11/26/2018 4:23 PM, Lauren Camera, 3264K] reports between 2000 and 2011, when ICE partnerships first began, more than 300,000 Hispanic students were displaced. In communities where Immigration and Customs Enforcement officers formed partnerships with local police to enforce immigration laws, the number of Hispanic students enrolled in public schools fell significantly — by nearly 10 percent in just two years.

Using K-12 enrollment data in 55 counties from 2000 to 2011, when such ICE partnerships first began, researchers at Stanford University found that they displaced more than 300,000 Hispanic students, mostly younger, elementary-school students and mostly U.S. citizens. The findings, published earlier this fall in the National Bureau of Economic Research, provide "robust evidence," the researchers said, "that partnerships between ICE and local law-enforcement agencies led to substantial reductions in Hispanic student enrollment."

**[NY] Canadian Resident Charged With Smuggling Migrants Into U.S.**

[Law 360](#) [11/26/2018 7:31 PM, Reenat Sinay] reports a Canadian resident is facing up to 10 years in prison for allegedly helping three Mexican citizens cross the border illegally from Canada into the United States, the U.S. Department of Justice, U.S. Customs and Border Protection, and U.S. Border Patrol announced Monday. Hector Vinicio Howell-Calvo, 50, a Costa Rican citizen permanently residing in Montreal, admitted to Customs and Border Protection officers at the Mooers, New York, port of entry on Friday that he had driven the three men to the Canadian side of the border and planned to pick them up after they crossed into the United States on foot, according to the joint statement. Rodriguez-Garcia, Martin Soriano-Trujillo and Leobardo Uriel Soriano-Trujillo were then located and picked up in Mooers Forks, New York, by Border Patrol agents, according to the joint statement. Leobardo Soriano-Trujillo and Rodriguez-Garcia were charged with misdemeanor illegal entry, while Martin Soriano-Trujillo, who was deported from the United States in 2011, was charged with illegal re-entry, a felony, the DOJ said.

**[NC] U.S. Reps: Deportation won't happen until man's claim is heard**

[Washington Post](#) [11/26/2018 1:28 PM, Jonathan Drew] reports a Mexican immigrant who took refuge in a North Carolina church for 11 months won't be deported until immigration officials decide his pending request to stay in the U.S., two congressmen said Monday. U.S. Rep. David Price tweeted that he and fellow Democratic U.S. Rep. G.K. Butterfield received assurances from immigration officials that Samuel Oliver-Bruno won't be removed until his claim is settled. Price said he was pushing Homeland Security officials to release Oliver-Bruno immediately, saying his arrest Friday at an immigration office was "unacceptable." U.S. Immigration and Customs Enforcement spokesman Bryan Cox confirmed federal officials have agreed to allow the case to be completed, even though Oliver-Bruno could legally be deported now. Online records list Oliver-Bruno, 47, as being held in a Georgia detention center.

[The Hill](#) [11/26/2018 9:38 AM, Owen Daugherty] reports that more than 25 members of a Methodist church in North Carolina were arrested Friday when they blocked an Immigration and Customs Enforcement van with Oliver-Bruno inside and began singing "Amazing Grace." The CityWell United Methodist Church members of Durham, N.C., said they were prepared to be arrested for defending Oliver-Bruno, who had been staying in the church basement for nearly a year. Pastor Cleve May said he told police, "We understand this is your job, but we need you to understand that as a matter of conviction we cannot move, and you will have to arrest us," according to the Washington Post. Twenty-seven were arrested in total following a three-hour standoff where congregants and community members attempted to physically block the van.

[BuzzFeed](#) [11/26/2018 3:31 PM, Tasneem Nashrulla] reports that Cox confirmed to BuzzFeed News on Monday that ICE officials had arrested "unlawfully present Mexican national Samuel Oliver-Bruno during a targeted enforcement action." Oliver-Bruno's 19-



year-old son, Oliver-Perez, was also arrested on a state charge of physically assaulting a federal law enforcement officer while he was at the scene, Cox said. The teen could face potential federal criminal charges. "Mr. Oliver-Bruno is a convicted criminal who has received all appropriate legal process under federal law, has no outstanding appeals, and has no legal basis to remain in the U.S.," Cox said in a statement. In May 2014, Oliver-Bruno was arrested by U.S. Border Patrol in El Paso, Texas, while attempting to illegally enter the U.S. using fraudulent identity documents, Cox said. "ICE subsequently encountered Mr. Oliver-Bruno in June 2014 and his case has been subject to extensive appeals, which ultimately concluded Mr. Oliver-Bruno has no legal basis to remain in the U.S.," Cox told BuzzFeed News. ICE learned that Oliver-Bruno was going to be at the USCIS office on Friday because "his supporters publicly announced it days in advance," Cox said.

Reported similarly:

[Newsweek](#) [11/26/2018 2:55 PM, Daniel Moritz-Rabson, 1720K]

[Rewire](#) [11/26/2018 2:18 PM, Tina Vasquez]

[The Daily Caller](#) [11/26/2018 4:16 PM, Joshua Gill, 909K, DC]

[WRAL](#) [11/26/2018 11:28 AM, Sarah Krueger and Alfred Charles, 654K, NC]

[ABC 11](#) [11/26/2018 6:31 PM, Gloria Rodriguez, 4K, NC]

[CBS 17 Raleigh](#) [11/26/2018 5:52 PM, Michael Hyland, 43K, NC]

[Rock Hill Herald](#) [11/26/2018 3:48 PM, Camila Molina and Joe Johnson, 25K, SC]

#### **[NC] ICE Agent Assaulted After Detaining Illegal Immigrant**

[Breitbart](#) [11/26/2018 5:09 PM, Kyle Morris, 2405K] reports an Immigration and Customs Enforcement agent was assaulted on Friday after Samuel Oliver-Bruno, an illegal immigrant, was arrested during a scheduled appointment with U.S. Citizenship and Immigration Services in Morrisville, North Carolina. Oliver-Bruno, 47, had been living in CityWell United Methodist Church in Durham, NC, for the past eleven months while he petitioned to have his deportation to Mexico delayed, The News & Observer reported. Once inside the office, Oliver-Bruno and his son, Daniel Oliver Perez, got into a tussle with immigration officers. Oliver-Bruno was arrested and taken outside, where he was placed in a van belonging to the Department of Homeland Security. Oliver-Bruno's supporters gathered around the van for nearly two hours and refused to move as they sang and chanted. Perez was arrested and charged with assault on a government officer by local law enforcement, after he approached the front driver's side door of the van and latched onto an ICE agent that sat in the driver's seat. [Editorial note: consult source link for video]

[USA Today](#) [11/26/2018 10:30 PM, N'dea Yancey-Bragg, 7165K] reports North Carolina police arrested 27 people Friday for trying to prevent an Immigration and Customs Enforcement van from leaving with a Mexican man during an immigration appointment. Samuel Oliver-Bruno, an undocumented Mexican national, arrived at the U.S. Citizenship and Immigration Services office in Morrisville at 8:45 a.m. for a biometrics scan, according to Alerta Migratoria, an immigrants rights advocacy organization in North Carolina. The scan was part a petition for deferred action, which would allow him to stay in the country, the news release said. He was accompanied by community members including congregants from CityWell United Methodist Church in Durham, where he's been living in "protective sanctuary" for nearly a year. Oliver-Bruno "decided to attend the appointment because this was his only option to remain active in the immigration process," according to a statement from the church. Shortly after he entered the USCIS office with his son Daniel, Oliver-Bruno

was arrested by plainclothes ICE officers who forced him into a van. Daniel, who was born in the United States, was also arrested for allegedly assaulting an ICE officer.

**[TX] Suspected Illegal Immigrant Charged in Hit-and-Run Death of TX Teacher**

[FOX News](#) [11/26/2018 7:37 AM, Staff] reports that a suspected illegal immigrant is facing charges in the hit-and-run death of a sixth-grade teacher on Thanksgiving morning in El Paso, Texas. Police said Joel Velazquez, 24, ran a red light and struck 28-year-old Amanda Ferguson while she crossed the street around 2:00am local time Thursday. Velazquez was reportedly out of jail on bond for a 2017 assault charge and was in the country illegally, according to KFOX14. KFOX14 reported that Velazquez fled the scene, but then turned himself in to authorities two days later and was placed under an ICE detainer.

Reported similarly: [Breitbart](#) [11/26/2018 9:01 AM, Merrill Hope, 2405K]

**[NE] Lincoln Mexican restaurant set to reopen this week following federal raid**

[Journal Star](#) [11/26/2018 3:42 PM, Riley Johnson, NE] reports an east Lincoln Mexican restaurant that closed for more than two weeks after federal agents raided it and arrested employees earlier this month will reopen Wednesday, the owner said Monday. Mazatlan, just north of 70th and O streets, was closed the longest following the Nov. 8 raids at three of Abram Morales' four restaurants in the city. That day, U.S. Homeland Security Investigations agents served search warrants at Mazatlan, Mazatlan II at North 27th Street and King Lane, and Las Margaritas at South 27th Street and Jamie Lane as part of an ongoing criminal probe into suspected immigration law violations. Twenty-two workers contacted by investigators were arrested and accused of immigration violations unrelated to the criminal investigation that prompted the searches. All but one were released later that day following federal processing. Since then, at least two men from Mexico arrested during the raids have been detained by the U.S. Marshals Service pending trial on federal charges of illegal re-entry into the United States following deportation, a felony. Both have pleaded not guilty.

**[NM] Transgender asylum seeker was beaten before her death, according to new autopsy**

[Washington Post](#) [11/26/2018 10:40 PM, Eli Rosenberg, 11653K] reports the body of a transgender asylum seeker who died after becoming sick while she was held by Immigration and Customs Enforcement was found with evidence of physical abuse, according to an independent autopsy released this week. Roxsana Hernandez Rodriguez, who was HIV positive, died just weeks after she arrived in the United States from Honduras after presenting herself at the San Ysidro port of entry in May. While in custody at the Cibola County Correctional Center in New Mexico, she developed severe diarrhea and vomiting and was transferred to a hospital, according to the autopsy. The autopsy was done by Kris Sperry, a former chief medical examiner of Georgia who resigned in 2015 after the Atlanta Journal-Constitution detailed his private forensic science work and probed its potential for conflicts of interests with his official state title. The autopsy was included as part of a "notice of wrongful death" claim filed by the Transgender Law Center on behalf of Hernandez and her family in advance of a lawsuit it plans to file against federal immigration agencies like ICE and Customs and Border Protection. ICE declined to comment on the specifics of the independent autopsy report. "A review of Hernandez's death conducted by ICE Health Service Corps medical professionals confirmed that she suffered from a history of untreated HIV," spokeswoman Danielle Bennett said in a statement. "At no time did the

medical personnel treating Ms. Hernandez at Cibola General Hospital or Lovelace Medical Center raise any issues of suspected physical abuse."

Reported similarly:

[The Hill](#) [11/26/2018 2:25 PM, Emily Birnbaum]

[Fortune](#) [11/26/2018 5:15 PM, Emily Gillespie, 1201K]

[Daily Beast](#) [11/26/2018 1:26 PM, Scott Bixby and Betsy Woodruff, 2272K, NY]

[ThinkProgress](#) [11/26/2018 5:21 PM, Rebekah Entralgo, 480K, DC]

[San Diego Union-Tribune](#) [11/26/2018 7:25 PM, Kate Morrissey, 291K, CA]

[KPBS](#) [11/26/2018 7:59 PM, Andrew Bowen, 26K, CA]

#### **[WA] Medical examiner calls immigrant detainee's death a suicide**

[Washington Times](#) [11/26/2018 10:29 AM, Gene Johnson] reports a Russian asylum seeker who conducted a hunger strike to protest the conditions at an immigration jail in Tacoma died by suicide, the Pierce County Medical Examiner's Office ruled Monday. Mergensana Amar, 40, died by hanging, the office said. Amar was taken off life support at St. Joseph's Medical Center on Sunday after attempting to kill himself while in voluntary protective custody at the privately run Northwest Detention Center on Nov. 15, U.S. Immigration and Customs Enforcement said in a written statement. He had been held there since January, soon after arriving in the U.S. without permission to be in the country. Activists who monitor the detention center said Amar began a hunger strike in early August to protest its conditions as well as his pending deportation to Russia, but in early September a federal judge in Tacoma granted the government's request to provide him with involuntary medical treatment - hydration, the activists said. "Despite his previous participation in a hunger strike, Amar remained in good physical health prior to this incident and was monitored daily by ICE Health Service Corps medical professionals," the statement said. "ICE has not previously released the timeline of his hunger strike status due to Amar's repeated threats to resume the hunger strike should its end be made public."

Reported similarly:

[Seattle Times](#) [11/26/2018 2:00 PM, Nina Shapiro and Paul Roberts, 634K, WA]

[KUOW](#) [11/26/2018 8:44 AM, Gil Aegerter and Sydney Brownstone, WA]

[Stranger](#) [11/26/2018 12:39 PM, Lester Black, 192K, WA]

[Tacoma News Tribune](#) [11/26/2018 7:21 PM, Staff, 59K, WA]

#### **[OR] Man Bribed ICE Officer to Deport Wife and Wife's Daughter After She Filed for Divorce**

[Newsweek](#) [11/26/2018 11:21 AM, Jenni Fink, 1720K] reports that when a man's marriage went awry, he turned to an Immigration and Customs Enforcement deportation officer to try to help rid him of his wife. Antonio Oswaldo Burgos, 48, pleaded guilty on Tuesday to one count of bribery of a public official stemming from an incident in May. On May 24, Burgos allegedly followed an ICE deportation officer from Portland, Oregon, to a parking lot in Vancouver, Washington, where the officer pulled over, according to the U.S. Attorney's Office in Oregon. Burgos, who was in the process of divorcing a woman he'd met in El Salvador, allegedly offered the officer money to deport his wife. The officer refused the bribe and told ICE's Office of Professional Responsibility, which set up an investigation. He was arrested on June 29 with three counts of bribery of a public official. "Attempting to bribe a federal law enforcement officer is a serious crime and will be met with equally-serious consequences," Billy J. Williams, U.S. Attorney for the District of Oregon, said. "I commend

the ICE officer involved in this case for responding to Burgos' criminal proposition with the utmost level of professionalism and resolve."

Brad Bench, Special Agent in Charge for Homeland Security Investigations in Seattle, credited the officer's honesty for Burgos's arrest. "We rely upon our officers to perform their duties with integrity," Bench said. "Because of the deportation officer's actions, Burgos is being brought to justice. This case should send a strong message that those who attempt to coerce a public official will be punished."

Reported similarly: [WSVN](#) [11/26/2018 9:52 AM, Johari Canty, 55K, FL]

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Wednesday, Nov. 28, 2018**

## **Executive Office for Immigration Review**

Trump administration spending more on border troops than additional judges for massive backlog of asylum cases..... 3

Slim Immigration Enforcement Resources Leave Employers Hanging. 3

## **Policy and Legislative News**

Amid Tear Gas and Border Clashes, the Migrant Crisis Arrives In America..... 4

Congress must create independent immigration judiciary ..... 5

The migrant situation near Tijuana undercuts Trump's proposed solutions 6

What Trump's "lethal force" authorization means at the border ..... 6

CBP Official Compares Southern Border Defense to Iraq and Afghanistan 'Hot Zones' ..... 6

Senior Border Patrol official says caravan organizers sold migrants a 'bad bill of goods' ..... 7

For asylum seekers in Tijuana, fellow migrants are organizing force..... 7

A sports complex is housing thousands of migrants in Tijuana. It's at least 3 times above its capacity. ....8

Instead of tear gas and melees, this is what should be done at the border.....8

We asked 7 senators how Congress should respond to the tear-gassing of children at the border.....8

Immigrant mom never thought she'd have to pull children away from tear gas .....8

Border agents' use of force was justified, successful, Trump officials say .....9

U.S. border officials defend use of tear gas, pledge to deploy again if situation arises .....9

Despite restraining order, Trump's proclamation still bars entry of asylum seekers who cross illegally ..... 10

Asylum Requests Are Up 1,700 Percent Post-Obama — And There's No End In Sight..... 11

U.N. reaffirms refugees' right to seek asylum in U.S..... 11

Bernie Sanders: Some migrants lack 'credible claim' for asylum ..... 12



Obama and Trump Tear Gassed Illegals, Yet They're Hitting Record Numbers .....	12
DHS: 170 Fake Families Separated At The Border In Just Under 6 Months ....	12
U.S. to meet Monday with Mexico's new government on Trump's tough border plan.....	13
FACT CHECK: What's Happening On The U.S.-Mexico Border? .....	13
Recent Events Empower U.S. Border Patrol, Immigration Advocates Warn ..	13
Congress Urged to Freeze Border Patrol Funding Until Trump Ends "Illegal" Treatment of Asylum Seekers at U.S.-Mexico Border .....	13
Families Are Still Being Separated at the Border, Months After "Zero Tolerance" Was Reversed .....	14
As Trump renews border wall demands, government shutdown looms .....	14
Trump floats backup plan if Congress rejects \$5B for border wall.....	14
Scalise Says Trump Will Stay Firm on \$5 Billion in Funding for Border Wall Despite Possibility of Gov't Shutdown	15
Kris Kobach: DHS Must Enlist Police in Midst of Caravan, Border Wall Needs to Be Funded Immediately .....	15
Number of undocumented immigrants in USA falls to 12-year low, researchers say .....	15
Trump gambled big on sanctuary cities. Could he lose big? .....	16
[TX] Texas detention camp for teen migrants keeps growing .....	16
[AZ] Shelters say ICE dropping migrant fathers, children at bus stations in Tucson, Phoenix.....	17
[AZ] Glendale district won't ask students about their immigration status .....	17
[CA] How San Diego Is Pushing Back Against 'Zero Tolerance' at the Border	17

[CA] Southern California counties will host public forums on sheriffs' cooperation with ICE.....	18
--	----

## Legal News

ABA president calls for improvements to immigration system, conditions of detention.....	18
U.S. sued for \$60 million after infant in detention later died.....	18
[VT] Dairy workers claim ICE intimidation.....	19
[NY] New York top court: Jury trials needed when deportation a risk.....	19
[NY] Minor but Deportable Offenses Warrant Jury Trials, NY Court Rules ...	19
[NJ] New Jersey Combats "Notario" Fraud: 28 New Jersey Businesses Assessed Hundreds of Thousands for Scamming Immigrants .....	20
[MD] City to sue Trump administration over change in 'public charge' immigration policy .....	20
[VA] Culpeper sheriff sued again over immigration policy .....	20
[VA] 2005 rape and murder case continues without trial after latest competency review .....	21
[MO] Next immigration hearing for Park professor Syed Jamal postponed until 2022 .....	21
[OH] Court hearing set for Haitian refugee held at Geauga County Safety Center.....	21
[IL] Woman won't accept DuPage plea deal in aggravated DUI case.....	22
[IA] Undocumented immigrant convicted of using another person's Social Security number .....	22
[TX] Illegal immigrant mother sues U.S. government for \$60 million over child death.....	22
[TX] A Defendant Shows Up in Immigration Court by Himself. He's 6..	23

[WA] Judge: GEO must turn over financial info on immigration jail.....	23	[CO] Illegal alien from Mexico sentenced to Prison for conspiracy to manufacture marijuana in Colorado.....	25
<b>Enforcement News</b>		[NM] Transgender immigrant who died in ICE custody was beaten and deprived of medical attention, family says.....	26
[VT] Vermont delegation worried by Border Patrol checkpoint plans.....	23	[OR] Oregon Man Tries to Pay ICE Agent to Deport Estranged Wife and Her Child.....	26
[NY] Prosecutor: Cliffside Park Laborer Had Sex With Two Pre-Teens, ICE Issues Deportation Detainer .....	24	[CA] Migrant Woman Is Impaled After Trying to Scale U.S.-Mexico Border Wall .....	27
[NC] Immigrant Who Lived In Church Loses Bid To Avoid Deportation .....	24		
[TX] ICE deports five fugitives from El Salvador .....	25		
[TX] ICE officials deport man wanted for money laundering.....	25		

## Executive Office for Immigration Review

### Trump administration spending more on border troops than additional judges for massive backlog of asylum cases

[CNBC](#) [11/27/2018 4:08 PM, Carmin Chappell, 5905K] reports the Trump administration is spending at least \$72 million to send troops to the U.S.-Mexico border as a caravan of migrants arrives to seek asylum. That's nearly double what the White House requested for the entire 2019 fiscal year to hire additional immigration judges to hear the massive backlog of court cases. The Pentagon estimated that the \$72 million will cover the 5,900 troops amassed at the border until Dec. 15. If the mission continues after that date, the costs will increase. By contrast, the federal budget allocated just \$39.8 million to the Executive Office for Immigration Review for the full fiscal year, which started in October, to hire new judges and support staff, a decrease of 47 percent from the previous year and just 55 percent of what the government is spending to deploy troops to the border for roughly a month and a half.

### Slim Immigration Enforcement Resources Leave Employers Hanging

[Bloomberg](#) [11/27/2018 6:13 AM, Staff] reports that Immigration and Customs Enforcement completed 1,360 audits of companies' I-9 employment verification forms in fiscal year 2017. In 2018, they are on track to launch 8,500. But an ICE mandate to quadruple work-site enforcement could all be just for show, as so far there's been no corresponding increase in the manpower and funding needed to complete workplace audits and manage legal challenges. As of July, ICE had already sent 5,200 audit notices. Without any change, what's already a monthslong process to impose fines on employers that violate the law could extend even longer if backlogs develop. That could give thousands of employers the ability to put off sanctions for months or years at a time. But for other companies, including some who unknowingly hired unauthorized immigrants, it could mean months or years of uncertainty as the potential high cost of fines hangs over their heads.

Former ICE Director Thomas Homan announced the planned ramp-up in employment

verification audits shortly after the agency concluded FY 2017 with 1,360 audits of companies' verification forms, known as I-9s. The forms are meant to ensure that employers don't hire unauthorized immigrants. "I really don't think they have enough auditors to handle the explosion of I-9 inspections" this year, immigration attorney Bruce Buchanan of Sebelist Buchanan Law in Nashville, Tenn., told Bloomberg Law. "In light of the increased focus on worksite enforcement," ICE is "exploring options to expand capacity, to include on-boarding more than 60 contract auditors, as well as working on IT solutions that will help streamline the audit process," agency spokeswoman Danielle Bennett told Bloomberg Law in an email. It's not just ICE staffing that's an issue. The Justice Department's Office of the Chief Administrative Hearing Officer, which hears employers' challenges to fines ICE imposes for I-9 violations, currently doesn't have a permanent administrative law judge to hear those challenges. Three judges from other federal agencies currently are hearing I-9 cases, according to Kathryn Mattingly, spokeswoman for the Executive Office for Immigration Review. One permanent ALJ position at the office's headquarters is expected to be filled "soon," she said in an email to Bloomberg Law. The agency also has posted openings for another ALJ at headquarters and three in field offices, she said. Funding to expand ICE is even less likely to materialize in 2019 with Democrats controlling the House, especially with some in the party calling for an end to the agency altogether. A January 2017 executive order on interior immigration enforcement called for the agency to add 10,000 additional agents to its ranks. "That's good news if you're an operator," Acting ICE Director Ronald Vitiello said at a recent conference. "The bad news is it's not been funded," he said.

## **Policy and Legislative News**

### **Amid Tear Gas and Border Clashes, the Migrant Crisis Arrives In America**

[MSN News](#) [11/27/2018 10:48 AM, John Daniel Davidson, 55864K] reports that on Sunday, hundreds of Central American migrants overwhelmed federal and local Mexican police in Tijuana and rushed the U.S. border at the San Ysidro port of entry near San Diego in an effort to force their way into the United States. An estimated 500 men, women, and children, most of them from Honduras, were involved in the chaotic scene Sunday afternoon. But thousands more have arrived in Tijuana in recent weeks with the caravans President Trump has vowed not to allow into the United States. Some 5,000 Central Americans are now being housed in cramped conditions in a Tijuana sports complex, with thousands more expected to show up in the coming weeks. Local officials in Tijuana have complained that they have no resources to handle the growing number of migrants, who are growing restless amid reports that they will have to wait in Mexico for weeks or months (or longer) while their asylum claims are being processed.

Many Central Americans now seeking asylum know that they have almost no chance of getting it. For them, claiming asylum is simply a way to gain entry to the United States, where they can live and work while their cases wind through immigration court, a process that can take years. Others simply abscond after being admitted on a pending asylum claim, melting into an illegal immigration underground that is estimated to exceed 12 million people. In an attempt to determine how big of a problem absconding really is, back in August I requested asylum data going back to 2013 from the Department of Justice's Executive Office of Immigration Review (EOIR), the office that handles all immigration cases. I wanted to know the total number of asylum cases decided in absentia that ended with deportation orders relative to the total number of asylum claims. In other words, how

many migrants apply for asylum but never show up to their hearing? I also wanted to know how many total immigration cases (not just asylum cases) ended with deportation orders issued in absentia. But the data I got wasn't conclusive. What the EOIR data did show, however, was that the number of asylum applications decided in absentia with deportation orders has skyrocketed in recent years, going from just 1,709 in 2014 to 4,559 in 2017 (and 3,259 in the first three months of 2018). Likewise the number of in absentia deportation orders for all immigration cases almost doubled from 2014 to 2017, and as of March 2018 was on track to more than double 2017's total.

Additional reporting:

[Politico](#) [11/27/2018 10:31 AM, Rebecca Morin]

[FOX News](#) [11/27/2018 8:08 AM, Laura Ingraham, 10787K]

[FOX News](#) [11/27/2018 2:01 PM, Newt Gingrich, 10787K]

### **Congress must create independent immigration judiciary**

[Cape Cod Times](#) [11/27/2018 7:15 PM, Mark Gabriele] There's a fundamental flaw in the immigration justice system, and time has come to address it. Immigration courts fall under the Department of Justice, the same agency charged with prosecuting immigration cases in federal courts, and immigration judges report to the attorney general. Imagine for a moment that criminal court judges reported to the district attorney; how likely would due process and a fair trial be delivered under such a scenario?

Because immigration offenses are not criminal, justice already looks a lot different from what we're used to seeing on TV. The most obvious difference: There's no jury in an immigration courtroom. There's no Miranda warning required when ICE takes someone into custody; no free phone call; and no right to a speedy trial. There's no court-appointed lawyer either, so most immigrants face trial alone. Low-income clients are helped by nonprofit agencies, such as Catholic Social Services, Community Action of Cape Cod & the Islands, and the Justice Center of Southeast Massachusetts here in our area. However, needs exceed the resources by far.

There's another difference too - one invisible but even more insidious. Because immigration judges report to the attorney general, there's an inherent conflict of interest that undermines judicial independence. Recent actions by former Attorney General Jeff Sessions have made this glaringly apparent. He plucked six individual cases out of the courts to refer to himself, limited the options a judge may exercise in certain circumstances, limited the types of cases where asylum can be granted, and instituted a quota of 700 cases that judges must complete annually or face discipline. In public statements, Sessions has all but enjoined them to prosecute rather than adjudicate with impartiality.

Not surprisingly, members of the American Immigration Lawyers Association are calling for the creation of an independent immigration judiciary that can at least deliver a fair day in court. They're calling on Congress to create an Article I court system similar to the U.S. Tax Court, which would not operate under the Department of Justice. This reform, long supported by the National Association of Immigration Judges, would solve the intrinsic problem of having judges subordinate to the attorney general (no matter who holds that office) and would better serve the objective of equal justice. It's an idea whose time has come.

An increasing number of minors are appearing on the dockets of immigration judges these

days, and DHS's zealous enforcement activities are resulting in ever-heavier backlogs. The number of cases pending in immigration court has grown from 543,000 at the start of 2017 to 764,000 through August 2018. Processing these cases should not come at the expense of a fair trial. For so very many, the decisions made in these courtrooms are life-altering. At the very least, we should be able to offer them a fair day in court.

### **The migrant situation near Tijuana undercuts Trump's proposed solutions**

[Washington Post](#) [11/27/2018 12:36 PM, Phillip Bump, 11653K] reports consider President Trump's rhetoric about immigration from Mexico generally and about the caravan of migrants (that has at long last arrived at the border) specifically. For all of his wan insistence that he objects only to illegal immigration, it's worth remembering that the launch of his campaign in 2015 included a focus on immigration from Mexico. In Trump's framing at that point, immigrants coming into the country across the southern border brought crime and drugs. Some, he added after the fact, may be good people. In the wake of that speech, he repeatedly defended his linking immigrants with crime, a link that's unfounded. And this week, during a political rally in Mississippi, he tried yet again to establish that connection. "Democrats have become the party of caravans and crime," Trump said. "Because when you have open borders, you have crime. When you have sanctuary cities, you have crime. Republicans are committed to halting this incursion and defending the sovereign territory of the United States." He went on to articulate how many pounds of narcotics had been seized by U.S. Customs and Border Protection and how many immigrants accused of crimes had been deported. The response Trump offers for these terrors is straightforward. Build a wall on the border. Deploy the military as needed (at least in the weeks before an election). Prevent people from seeking asylum if they cross the border illegally. The recent tension near Tijuana following the arrival of the migrant caravan, though, makes clear that none of those proposed solutions is actually a solution — at least in this case.

### **What Trump's "lethal force" authorization means at the border**

[VOX](#) [11/27/2018 1:50 PM, Tara Golshan, 3169K, DC] reports when President Donald Trump authorized the military to use "lethal force" – if necessary – against migrants at the southern border last week, it was in his purview as the commander in chief. Tensions have escalated on the southern border since, as U.S. law enforcement officials fired tear gas at the asylum seekers, including children, after violence broke out during a march near the San Ysidro Port of Entry over the weekend. Trump's administration has deployed more than 5,000 U.S. military troops to the U.S.-Mexico border, at first tasking them with mostly logistical work, and to help fortify the border with barbed wire in light of a migrant caravan from Central America. But last week, White House Chief of Staff John Kelly issued a memo expanding the military's authority to include protecting border agents – even if that means using deadly force. Defense Secretary James Mattis told reporters it's unlikely that would happen. But still, it's now a possibility, and likely without reason. "On one hand, it is kind of ridiculous because there is nothing approaching an invasion there," William Banks, a national security expert with Syracuse University, said. "There is no indication that there is a force lining the border that [Customs and Border Protection] couldn't take care of. But on the other hand, if you take the Cabinet order's language at face value, and take what the president is saying as credible threats, then it becomes grayer."

### **CBP Official Compares Southern Border Defense to Iraq and Afghanistan 'Hot Zones'**

[Newsweek](#) [11/27/2018 7:59 AM, Chantal Da Silva, 1720K] reports that a top U.S. Customs and Border Protection official compared military troops' efforts to fortify the southern U.S.



border to "fortifying operating bases in hot zones" in Afghanistan and Iraq. In statements shared in a CBP "spotlight" release, Benjamin Attella, the logistics section chief in the agency's Area Command in Washington, D.C., commended the military troops sent to the U.S.-Mexico border by the Trump administration on their work there. Noting that the military had worked in advance to get border fortification materials, including concertina wire and concrete barriers, to key locations along the southern border before the arrival of thousands of Central American asylum seekers, Attella said, "That's just how the military operates. You move your troops forward to cut back on that lag time," Attella said. "We train this concept and execute on a smaller scale, but to see the Army do it as doctrine with such efficiency is amazing." The CBP news release stated that "Just like the experience of moving materials across the country, the military is also used to building effective entry control points at its bases in the U.S. and overseas, similar to what CBP has to do with ports of entry," apparently comparing military border fortification efforts abroad with CBP's at home. "We've had a lot of military officers up here who have a lot of experience in Afghanistan and Iraq with fortifying operating bases in hot zones," Attella said. "This is what they do," he continued. "They're experts, and it shows."

**Senior Border Patrol official says caravan organizers sold migrants a 'bad bill of goods'**

[Washington Examiner](#) [11/27/2018 1:14 PM, Anna Giaritelli, 567K, DC] reports the Department of Homeland Security said Tuesday the Central American migrants who traveled as part of caravans to Tijuana, Mexico, with the hope of entering the U.S. are beginning to realize they were "sold a bad bill of goods" by the organizations that led them on the journey. The top U.S. Border Patrol official in Southern California said some of the 6,000 migrants staying in shelters in Tijuana as they decide whether to pursue entry into San Diego, Calif., have started to return home. That follows unsuccessful attempts by up to 1,000 migrants who attempted to storm the border near the San Ysidro port of entry Sunday. "We've heard rumors through our nongovernmental agency contacts that many of the migrants are starting to realize that this isn't what they expected," Border Patrol San Diego Sector Chief Patrol Agent Rodney S. Scott said, when asked what he expected next from the group. "I believe that the city of Tijuana reported about 20 asked to go home yesterday. So we're hoping that this calms down and people realize that that they've basically been sold a bad bill of goods."

Reported similarly:

[Newsweek](#) [11/27/2018 11:25 AM, Chantal Da Silva, 1720K]

[CBS 8 San Diego](#) [11/27/2018 10:44 AM, Neda Iranpour, 59K, CA]

**For asylum seekers in Tijuana, fellow migrants are organizing force**

[Washington Post](#) [11/27/2018 7:55 PM, Kevin Sieff and Sarah Kinoshian, 11653K] reports that each morning, Mexican officials learn from their U.S. counterparts how many asylum seekers will be allowed to cross the border that day. The officials pass that information on to the migrants, who have chosen leaders among them to manage the notebook. Those leaders call the names of the people at the top of the list, and add the names of new arrivals, doling out handwritten numbers on tiny pieces of paper. "Come back in a month," one of them instructed the new arrivals on Tuesday. "You must keep your number," said another. U.S. Customs and Border Protection officials typically process between 40 and 80 cases a day from Tijuana, claiming they don't have the capacity to accept more than 100 per day.

**A sports complex is housing thousands of migrants in Tijuana. It's at least 3 times above its capacity.**

[CNN](#) [11/27/2018 10:08 PM, Leyla Santiago, Miguel Marquez and Catherine E. Shoichet] reports the sports complex sheltering thousands of Central American migrants in this Mexican border city is well above its capacity, and more migrants are expected to arrive in the coming days. More than 5,800 migrants have taken shelter in the Benito Juarez Sports Complex, according to Mexico's Social Development Secretariat. That's at least three times above the facility's capacity, said Rodolfo Olimpo, a representative from Baja California state's Special Committee on Migration Issues. State and municipal officials are looking to open another shelter, Olimpo said, but they haven't found any local business or space willing to rent out their facilities for the migrants.

**Instead of tear gas and melees, this is what should be done at the border**

[Washington Post](#) [11/27/2018 7:47 PM, Staff, 11653K] reports that the Trump administration is within its rights to seek humane means to deter Central American migrants from undertaking the dangerous journey through Mexico. Separating families, which the administration tried for six weeks last spring, was not a humane option. Allowing them to apply for asylum from Mexico might be, if they are able to access legal help and live safely while doing so, both big ifs. More practical would be to build the capacity to fairly and swiftly process asylum seekers and deport those whose applications do not pass muster. That means more detention space; more interviewers who determine whether migrants meet the "credible fear" threshold; and more immigration judges. The inadequacy of current capacity, along with court rulings forbidding detention of minors for more than 20 days, has contributed to a backlog of some 1 million cases in the immigration courts, and to the dilemma of "catch and release," whereby migrant families go free for months or longer while awaiting adjudication of their asylum claims.

**We asked 7 senators how Congress should respond to the tear-gassing of children at the border**

[VOX](#) [11/27/2018 1:40 PM, Li Zhou, 3169K, DC] reports much of the country was shocked when U.S. Border Patrol agents used tear gas this past weekend on migrants attempting to seek asylum in America – including on families with small children. Republican senators responded that while the effect on children was unfortunate, the migrants should not have had their children with them in the first place. "Well, nobody wants to tear-gas children," said Wisconsin Sen. Ron Johnson, the chair of the Homeland Security Committee, which has oversight over the agencies that conducted the tear-gassing. "The first solution there is that mothers shouldn't be bringing children to the border to cross illegally." A Customs and Border Protection official issued a statement on Monday emphasizing that the use of force was necessary after migrants attempted to rush the border. Migrants were also captured on video throwing rocks at agents prior to the deployment of the tear gas, with the CBP official noting that four agents in protective gear were hit by rocks. As Vox's Dara Lind reports, this conflict was a culmination of months of tension over the impending arrival of migrants fleeing dire situations in their home countries — amplified by President Donald Trump's explosive rhetoric on the campaign trail. Lind writes: "Trump and conservatives see an invasion of hostile, criminal forces, while his critics see an unprovoked attack on vulnerable families."

**Immigrant mom never thought she'd have to pull children away from tear gas**

[New York Post](#) [11/27/2018 11:09 AM, Tamar Lapin, 3705K, NY] reports that the mother seen in a now-famous photo desperately pulling her daughters away from tear-gas plumes at the U.S.-Mexico border said she never imagined American forces would fire mace canisters at women and children. "We never thought they were going to fire these bombs where there were children, because there were lots of children," Maria Meza said in an interview with Reuters. The 35-year-old mother from Honduras set out to claim asylum at the U.S. border crossing Sunday with her five children, after spending a week in Tijuana, Mexico. She was part of the hundreds of Central American migrants who approached the border, with some trying to storm the fence. U.S. Border Patrol agents began to fire tear-gas canisters, and three landed around Meza and her kids. "The first thing I did was grab my children," Meza said from a Tijuana migrant shelter. "I was scared, and I thought I was going to die with them because of the gas." A widely-published photo of Meza wearing a shirt with a character from the Disney movie "Frozen," shows her clutching the arms of her twin 5-year-old daughters Saira and Cheili. Her 13-year-old daughter Jamie can be seen running alongside them. Meza's son James nearly fainted when a canister landed near him, while she fell and struggled to get up, she said.

Additional Reporting: [Washington Examiner](#) [11/27/2018 3:13 PM, Philip Wegmann, 567K, DC]

**Border agents' use of force was justified, successful, Trump officials say**

[Washington Post](#) [11/27/2018 7:56 PM, Nick Miroff, 11653K] reports that Senior Border Patrol and Homeland Security officials pushed back again Tuesday at accusations that authorities used excessive force when they lobbed tear gas into Mexico, targeting crowds of migrants, including women and children, who rushed the border fence Sunday. "I can't imagine firing tear gas into a foreign country," Gil Kerlikowske, the commissioner of U.S. Customs and Border Protection from 2014 until the end of Barack Obama's presidency, told The Washington Post. "It's really a very indiscriminate method, and if you're firing into Mexico, where there are young families and children, you can't distinguish if anyone there might have a breathing problem." Homeland Security Secretary Kirstjen Nielsen has said the migrants involved in Sunday's incident were mostly men and that the caravan's organizers encouraged women and children to go forward, treating them as "human shields." On Tuesday, an Army spokesman said that, at the border, only military police who carry firearms as part of their normal duties will be armed and involved in "providing emergency backup," if asked.

Reported Similarly:

[Houston Chronicle](#) [11/27/2018 4:49 PM, Kevin Diaz, 3350K, TX]

[Independent](#) [11/27/2018 4:23 PM, Mythili Sampathkumar and Chris Riotta, UK]

**U.S. border officials defend use of tear gas, pledge to deploy again if situation arises**

[San Diego Union-Tribune](#) [11/27/2018 7:35 PM, Wendy Fry and Jeff McDonald, 291K, CA] reports that Federal law enforcement officials said Tuesday that agents will continue to use tear gas or a "less lethal" force at the U.S.-Mexico border if they are attacked again by rocks or other means. They also said U.S. Customs and Border Protection officers did not target women and children during an incident Sunday afternoon, but if migrants huddling in Tijuana "choose to insert themselves into a violent crowd that's attacking officers with rocks and bottles," they will be subject to retaliation.

"We are using the least intrusive tools that we possibly can," U.S. Customs and Border Protection San Diego Sector Chief Rodney Scott said during a press briefing in Washington D.C. "The easiest way to avoid it is to comply with the law, go to the port of entry." Following the use of tear gas Sunday, U.S. border agents apprehended 42 migrants who illegally crossed the border, including a handful of women and children, according to U.S. Customs and Border Protection. A spokesman referred questions about whether any of the migrants were charged with a crime to the Justice Department. Scott, the Customs and Border Protection San Diego sector chief, said he hopes more do so in the coming days so the situation on the border stabilizes.

### **Despite restraining order, Trump's proclamation still bars entry of asylum seekers who cross illegally**

[The Hill](#) [11/27/2018 11:30 AM, Nolan Rappaport, 2630K] reports President Donald Trump issued a proclamation suspending the entry of aliens who cross the Mexican border into the United States illegally. The proclamation is based on section 212(f) of the Immigration and Nationality Act, the pertinent part of which reads as follows: "Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation ... suspend the entry of all aliens or any class of aliens ..." Trump's expectation was that this would channel these aliens to ports of entry where, if they want to apply for asylum, their applications could be considered in an orderly and controlled manner. The Justice Department issued an interim final rule that makes aliens who enter in violation of the proclamation ineligible for asylum. Immigration advocacy organizations filed a motion for a temporary restraining order to block its implementation which was granted by U.S. District Judge Jon S. Tigar. Apparently, the immigration organizations thought that blocking the rule would prevent Trump from making the illegal crossers ineligible for asylum, but that's not the case, as the proclamation and the rule do two different things. The Justice Department lawyers were willing to stipulate that the proclamation would not make any aliens ineligible for asylum, but that stipulation was misleading because it didn't address the difficulty the proclamation presents by "denying entry" to aliens who cross the Mexican border illegally. The proclamation doesn't say anything about making illegal crossers ineligible for asylum.

The temporary restraining order prevents Trump from taking any action to continue or to implement the rule, but it leaves his proclamation untouched. Accordingly, while the injunction is in effect, immigration judges won't be able to find illegal crossers "ineligible" for asylum for violating the proclamation. Neither will they be able to grant asylum to them. They are barred by the proclamation from entering the United States, and they can't be asylees if they aren't allowed into the country. It reminds me of a case I know well, one I dealt with as a constituent issue when I was an immigration counsel on the House Judiciary Committee. In 1998, an alien named "Sesay" applied for admission at a port of entry after fleeing from Sierra Leone. He was scheduled for an asylum hearing before it was learned that he was subject to President 's Proclamation 7062, which barred the entry of aliens who had been members of a military junta in Sierra Leone in 1997. The immigration judge found Sesay eligible for asylum but refused to grant his application because asylum would entitle him to enter the United States and his entry was barred by Clinton's proclamation. Sesay appealed to the Board of Immigration Appeals, and the Board affirmed the judge's decision.

Additional Reporting:

[Bloomberg](#) [11/27/2018 6:12 PM, Kartikay Mehrotra]

[NBC News](#) [11/27/2018 1:36 PM, Pete Williams, 3539K]

[Washington Examiner](#) [11/27/2018 7:00 PM, Staff, 567K, DC]  
[WHIO-TV](#) [11/27/2018 6:25 PM, Staff, 63K, OH]

**Asylum Requests Are Up 1,700 Percent Post-Obama — And There's No End In Sight**

[The Daily Caller](#) [11/27/2018 2:20 PM, Jen Kerns, 909K, DC] reports as illegal immigrants storm the gates of the United States, it is more clear than ever that our country is under siege. As at least one report reveals that a prominent California Democratic political consultant is actually assisting caravan members, it appears that the caravan is, at least in part, a politically-motivated scheme to attack President Trump. Just as the charade failed to be effective in fully swaying the midterm elections, it will backfire once again. The cold, hard facts tell a different story than Democrats would have you believe. Statistics show that the Trump administration has actually been quite generous in allowing asylum seekers into the U.S. Specifically – despite Trump's tough stance on immigration – during just the first two years of the Trump administration there has been an record surge of illegal immigrants seeking to take advantage of our weak asylum laws.

During the Trump administration, asylum claims have increased a whopping 1,700 percent since Barack Obama was president in 2010. Today, roughly one in 10 illegal immigrants at the southern U.S. border claims asylum - compared to just one out of 100 during the Obama administration in 2013. In the 2018 fiscal year alone, the U.S. Citizenship and Immigration Services has already received approximately 106,000 new asylum requests, compared to only 25,500 when Obama was elected president in 2008. USCIS processed approximately 100,000 credible fear claims this past year, surpassing the record 94,000 cases that were already processed in fiscal year 2016. The staggering increase in asylum seekers has not only created problems at our border, but has also created a backlog of hundreds of thousands of cases in our immigration courts. U.S. immigration courts have received approximately 160,000 asylum requests in fiscal year 2018 alone, compared to only 42,000 in fiscal year 2008 when Obama was elected.

**U.N. reaffirms refugees' right to seek asylum in U.S.**

[Reuters](#) [11/27/2018 9:27 AM, Stephanie Nebehay] reports asylum seekers at the Mexican border fleeing violence or persecution are entitled to lodge claims in the United States to obtain sanctuary there, U.N. agencies said in a fresh attempt to shield migrants from tough U.S. immigration policies. United Nations officials have repeatedly urged Washington to ensure asylum seekers are protected, but U.S. President Donald Trump said on Monday Mexico should send migrants seeking asylum in the United States back to their home countries. U.S. authorities fired tear gas canisters toward migrants in Mexico – near the border crossing separating Tijuana from San Diego, California – on Sunday when some rushed through border fencing into the United States. Mexico's foreign ministry presented a diplomatic note to the U.S. government on Monday calling for a "full investigation". After Trump signed an order limiting asylum rights earlier this month, the U.N. High Commissioner for Refugees (UNHCR) said the United States must make sure anyone fleeing violence or persecution can get protection "without obstruction". UNHCR spokesman Babar Baloch, asked on Tuesday about U.S. forces firing tear gas at migrants, told a Geneva news briefing: "We are following those reports with concern, we are still trying to understand what transpired there." Border management is "a sovereign prerogative of national governments," but border security and international protection for refugees are not mutually exclusive, he said. "It means that any person whose life is at risk in their country of origin must be able to access territory and request asylum in a safe country. And each



asylum request should be considered individually. We have been repeating our call on the U.S. authorities to grant access to the territory and to asylum procedure to those who are fleeing persecution and violence," he said.

### **Bernie Sanders: Some migrants lack 'credible claim' for asylum**

[The Hill](#) [11/27/2018 9:42 AM, Tal Axelrod, 2630K] reports that Sen. Bernie Sanders (I-Vt.) on Tuesday said that not all migrants in a group of thousands of Central Americans at the southern border have credible asylum claims, but criticized the Trump administration's response to crisis. "No, I don't, and I think you have to look at it case-by-case. But I think what is most important is this country finally is going to have to deal with comprehensive immigration reform," Sanders said on CNN when asked if every migrant has a "credible claim" to asylum in the U.S. "So the time is long overdue, and I hope that with Democrats now in control over the House, we're going to be moving forward to serious comprehensive immigration reform and a path toward citizenship. What we do not want to do is demonize desperate men, women and children who are leaving the horror of Central America, who are looking for asylum," he added.

### **Obama and Trump Tear Gassed Illegals, Yet They're Hitting Record Numbers**

[WGY-AM 810](#) [11/27/2018 5:09 PM, Rush Limbaugh, 735K, NY] reports, "Illegal immigration under Trump on track to hit highest level in a decade." Now, when I saw the headline, my thoughts immediately went back to November of 2016 and December of 2016 and even November and then January 2017. So this statistic is that illegal immigration under Trump is on track to hit the highest level in a decade. Last month, illegal immigration at the southern border soared to the highest level for a single month since April 2014, marking the most southwest border crossings since President Trump was elected in 2016 on a platform to reduce immigration to the country. "The record illegal immigration outpaced projections from Princeton Researcher Steven Kopits, who expected about 31,575 border crossings last month. The actual border crossings exceeded those expectations by almost 40 percent. The southwest border numbers, according to Kopits' research, indicate that Fiscal Year 2019 will see the highest level of illegal immigration at the southern border in more than a decade." [Editorial note: consult source link for audio]

### **DHS: 170 Fake Families Separated At The Border In Just Under 6 Months**

[The Daily Caller](#) [11/27/2018 11:26 AM, Amber Athey, 909K, DC] reports that the Department of Homeland Security released data Tuesday about the propensity of illegal immigrants to pose as parents in order to gain easier access into the United States. According to data from DHS, there has been a 110 percent increase in male adults showing up at the border with children. Further, DHS separated 507 illegal immigrants between April 19 and September 30 because they fraudulently claimed they were part of a family unit. 170 family units were separated because DHS found no familial relation – 139 of the people in those fake families were children. Eighty-seven family units were separated because a person posing as a child turned out to be 18 years or older. DHS tied the increase in fraudulent families to the Flores v. Reno Settlement, which limits the time that illegal immigrant children can be detained by U.S. officials. Because of the limit, children are often released with their parents into the United States pending future immigration proceedings. "This well-known loophole acts a magnet for family units and entices smugglers to use children as a way to gain access to the United States by posing a family unit," DHS said.

Reported similarly:

[National Review](#) [11/27/2018 12:09 AM, Jack Crowe]

[BuzzFeed](#) [11/27/2018 6:11 PM, Salvador Hernandez, 8149K]

[Independent Journal Review](#) [11/27/2018 3:41 PM, Madison Summers, 91K, VA]

[Daily Wire](#) [11/27/2018 1:39 PM, Emily Zanotti, CA]

### **U.S. to meet Monday with Mexico's new government on Trump's tough border plan**

[Washington Examiner](#) [11/27/2018 2:41 PM, Pete Kasperowicz, 567K, DC] reports top Trump administration officials are planning to sit down Monday with top Mexican officials to discuss President Trump's push to keep migrants in Mexico while their asylum cases are heard by the United States. The Trump administration has said they expect the new government, which takes over Saturday and will be led by Andres Manuel Lopez Obrador, to work with the U.S. to keep migrants from crossing their shared border. Secretary of State Mike Pompeo said on Thanksgiving Day that migrants "will not be permitted" to enter the U.S. and indicated a deal was already in place to make that happen with Mexico. On Tuesday, White House press secretary Sarah Sanders said there's no final deal yet, but that meetings would be happening soon. "And on Monday, we expect the new foreign minister from Mexico to meet and sit down with White House administration officials and the Department of Homeland Security, Secretary Kirstjen Nielsen, and continue and try to finalize those conversations," she said.

### **FACT CHECK: What's Happening On The U.S.-Mexico Border?**

[NPR](#) [11/27/2018 5:24 AM, Camila Domonoske and Richard Gonzales, 204K, MA] reports on Sunday U.S. agents closed a major border crossing and fired tear gas at migrants attempting to cross into the U.S. from Tijuana, Mexico. The migrants, many of whom had been part of a caravan of Central American asylum-seekers, were protesting the slow pace with which the U.S. has been processing asylum claims. For supporters of President Trump who advocate a crackdown on immigration, the events of Sunday showed migrants storming a protected border, confirming fears of an "invasion" of migrants defying U.S. laws. Here's what we know about what's happening on the border. It's the busiest land border crossing in the Western Hemisphere. It is difficult to completely secure a border more than 1,900 miles long, but ports of entry could be shut down, as USA Today explains. More than 5,000 migrants from Central America have reached the border town of Tijuana, as part of the caravan that traveled some 3,000 miles.

### **Recent Events Empower U.S. Border Patrol, Immigration Advocates Warn**

[Arizona Public Media](#) [11/27/2018 2:20 PM, Nancy Montoya, 4K, AZ] reports three separate, high-profile events involving U.S. Border Patrol over the past week are causing concern from human rights advocates over the use of excessive force by agents. Last week, President Donald Trump told reporters that law enforcement should respond to rock throwers as if they were using weapons. That was rebuked by human rights groups and many law enforcement agencies. In a separate event, last Wednesday Tucson Sector Border Patrol Agent Lonnie Swartz was found not guilty of manslaughter charges for the 2012 shooting death of a Mexican teenager. Swartz shot 16 times through the border fence, hitting 16-year-old Jose Antonio Elena Rodriguez 10 times. Swartz said he was in fear for his life from rock throwers on the Mexican side.

### **Congress Urged to Freeze Border Patrol Funding Until Trump Ends "Illegal" Treatment of Asylum Seekers at U.S.-Mexico Border**

[Common Dreams](#) [11/27/2018 10:12 AM, Jake Johnson, 226K, ME] reports that the human rights group Amnesty International is calling on Congress to freeze funding of the U.S. Border Patrol until the Trump administration ends its illegal treatment of refugees attempting to apply for asylum status at the U.S.-Mexico border. The demand comes as U.S. President Donald Trump denied that his Border Patrol used tear gas against asylum-seeking children in Mexico despite an abundance of photo and video evidence showing they did precisely that. Late Monday, Mexico's foreign ministry formally called on the U.S. to conduct an "exhaustive investigation" into the federal agents' behavior as they enforced the White House's anti-immigrant border policy. Echoing the Mexican government's call for an investigation into the Border Patrol's actions, Amnesty on Monday issued 26 recommendations to the Mexican and U.S. governments on how to humanely resolve the Central American refugee crisis, which has been fueled in large part by interventionist American foreign policy in the region.

### **Families Are Still Being Separated at the Border, Months After "Zero Tolerance" Was Reversed**

[ProPublica](#) [11/27/2018 4:45 PM, Ginger Thompson, 158K] reports the Trump administration has quietly resumed separating immigrant families at the border, in some cases using vague or unsubstantiated allegations of wrongdoing or minor violations against the parents, including charges of illegally re-entering the country, as justification. ProPublica stumbled upon one more case late last month after receiving a call from a distraught Salvadoran father who had been detained in South Texas, and whose 4-year-old son, Brayan, had literally been yanked from his grasp by a Customs and Border Protection agent after they crossed the border and asked for asylum. In an email, a senior CBP official acknowledged that immigrant families are still being separated, but said the separations had "nothing to do with zero tolerance." The official added that "This administration continues to comply with the law and separates adults and children when required for the safety and security of the child." The official declined to say how many children have been taken from their parents for what was said to be their own protection.

### **As Trump renews border wall demands, government shutdown looms**

[Reuters](#) [11/27/2018 4:44 PM, Richard Cowan, 4724K] reports President Donald Trump's renewed demand for U.S. taxpayer funding of his proposed U.S.-Mexico border wall was threatening again on Tuesday to bring on a budget standoff and a partial government shutdown, leaving Congress just 11 days to act. With time running short, Trump and Republican leaders of the U.S. House of Representatives huddled at the White House. Border security was expected to be high on the agenda. By Dec. 7, Congress must pass this spending bill, estimated at \$312 billion, to keep some government agencies funded, including the Department of Homeland Security, which polices the border and immigration. Secretary of State Mike Pompeo will meet with the incoming foreign minister of Mexico on Sunday to discuss immigration, a top White House official said.

### **Trump floats backup plan if Congress rejects \$5B for border wall**

[The Hill](#) [11/27/2018 6:22 PM, Jordan Fabian, 2630K] reports on Tuesday floated a potential backup plan to secure the border if he does not receive the \$5 billion he requested from Congress for his border wall, a sign he might not force a government shutdown over the contentious issue. Trump said in an interview with The Washington Post that he could opt to keep U.S. troops at the southwest border to continue laying razor wire and installing fencing if Congress does not fully fund his wall. The current border mission is set to end Dec. 15,

eight days after some government funding is set to lapse. "We need Democrat votes to have a wall," Trump said.

### **Scalise Says Trump Will Stay Firm on \$5 Billion in Funding for Border Wall Despite Possibility of Gov't Shutdown**

[Townhall](#) [11/27/2018 5:30 PM, Laretta Brown, 348K] reports House Majority Whip Steve Scalise spoke to reporters Tuesday about the GOP's attempts to fund President Trump's proposed \$5 billion for a border wall as part of the year-end spending deal, avoiding a partial government shutdown on December 7. Following a meeting between the president and GOP leadership, he said that the president is sticking to his \$5 billion demand for border wall funding. He said the crisis at the border is something "all Americans should be concerned about regardless of how you feel about immigration policy because at the end of the day we still have a legal way to come into this country and there are millions of people that are waiting and playing by the rules to do it the right way." The third-ranking House Republican also called for GOP lawmakers to get behind the president's latest request for wall funding.

### **Kris Kobach: DHS Must Enlist Police in Midst of Caravan, Border Wall Needs to Be Funded Immediately**

[Breitbart](#) [11/27/2018 1:20 PM, John Binder, 2405K] reports Kansas Secretary of State Kris Kobach says in the midst of a caravan of 7,000 to 10,000 Central American migrants arriving at the U.S.-Mexico border, the Republican-controlled Congress should immediately fund a border wall and the Department of Homeland Security must enlist police to aid U.S. Border Patrol. During an interview with SiriusXM Patriot's Breitbart News Sunday, Kobach – who is being petitioned to lead DHS – said that the Trump administration, in dealing with a caravan of migrants at the southern border, must enlist state and police to beef up manpower and demand the Republican-controlled Congress fund a border wall.

Congress also said that the Secretary of Homeland Security has the authority to give state and local police the powers, privileges, and duties of ICE officers and Border Patrol officers if there is a mass influx of aliens, either at a border, a land border, or a sea border. Congress thought ahead 22 years ago and envisioned that something like this might happen and lo and behold, it's happening before our very eyes. DHS Secretary Kirstjen Nielsen has overseen enormous illegal immigration influxes at the southern border, as Breitbart News recently noted, where last month saw the most southwest border crossings in a single month since April 2014.

Additional Reporting: [New York Times](#) [11/27/2018 8:00 PM, Thomas L. Friedman, 22322K]

### **Number of undocumented immigrants in USA falls to 12-year low, researchers say**

[USA Today](#) [11/27/2018 5:47 PM, Alan Gomez] reports the estimated number of undocumented immigrants living in the USA reached a 12-year low in 2016, continuing a decade-long decline in which that population fell from a high of 12.2 million in 2007 to 10.7 million in 2016, according to a report released Tuesday. Researchers from the Pew Research Center, which conducted the analysis, said economics played a major role in that fall. The Great Recession wiped out millions of jobs that attracted undocumented immigrants to the USA, while the Mexican economy steadily improved, giving Mexicans more reasons to stay in their country. Mark Hugo Lopez, Pew's director of global migration and demography research, said the U.S. government's ever-expanding security presence

along the southwestern border – under Democratic and Republican administrations – deterred more immigrants from trying to cross illegally. Shifting demographics in Mexico have left fewer working-age males willing to make the dangerous trek.

Reported similarly:

[The Hill](#) [11/27/2018 7:47 PM, Justin Wise, 2630K]

[NBC News](#) [11/27/2018 5:04 PM, Suzanne Gamboa, 3539K]

[ABC News](#) [11/27/2018 6:06 PM, Staff, 2704K]

### **Trump gambled big on sanctuary cities. Could he lose big?**

[San Francisco Chronicle](#) [11/27/2018 11:35 AM, Tal Kopan, CA] reports on July 1, 2015, a single gunshot rang out on San Francisco's Pier 14, fatally wounding 32-year-old Kate Steinle. By July 3, then-presidential candidate Donald Trump was tweeting about it. An undocumented immigrant and five-time deportee who had been released from San Francisco jail was charged with her murder, though he was acquitted two years later. By the time he went on trial, the incident had become a rallying cry for conservatives in general and Trump in particular. He took action just days into his presidency to block federal funds to sanctuary cities, a catch-all term that describes jurisdictions that limit cooperation with federal immigration enforcement. And then Trump's administration began to lose — repeatedly — in court. Now, experts say that by continuing to press the issue, the administration's strategy could backfire — possibly jeopardizing the cooperation that federal authorities now receive from many local governments and preventing Congress from even passing legislation on the topic. Trump's first legal setback came in response to the executive order he issued to block any federal funding to sanctuary cities, when a federal judge in San Francisco ruled in April 2017 that he could not broadly withhold money to force cooperation with immigration agents. Trump, via then-Attorney General Jeff Sessions, then tried to impose more targeted punishment, making law-enforcement grant money conditional on cities' cooperation with immigration enforcement. Courts in Chicago, Philadelphia, Los Angeles and San Francisco again blocked his efforts. The Justice Department also sued California to try to pre-empt its state sanctuary law. A federal judge in Sacramento blocked that as well.

### **[TX] Texas detention camp for teen migrants keeps growing**

[Washington Post](#) [11/27/2018 5:43 PM, Garance Burke and Martha Mendoza] reports the Trump administration announced in June it would open a temporary shelter for up to 360 migrant children in this isolated corner of the Texas desert. Less than six months later, the facility has expanded into a detention camp holding thousands of teenagers — and it shows every sign of becoming more permanent. By Tuesday, 2,324 largely Central American boys and girls between the ages of 13 and 17 were sleeping inside the highly guarded facility in rows of bunk beds in canvas tents, some of which once housed first responders to Hurricane Harvey. More than 1,300 teens have arrived since the end of October. More people are detained in Tornillo's tent city than in all but one of the nation's 204 federal prisons, and construction continues. None of the 2,100 staff are going through rigorous FBI fingerprint background checks, according to a government watchdog memo published Tuesday. "Instead, Tornillo is using checks conducted by a private contractor that has access to less comprehensive data, thereby heightening the risk that an individual with a criminal history could have direct access to children," the memo says. Federal plans to close Tornillo by Dec. 31 may be impossible to meet. There aren't 2,300 extra beds in other facilities, and a contract obtained by the AP shows the project could continue into 2020.



Planned closures have already been extended three times since this summer. The teens at Tornillo were not separated from their families at the border. Almost all came on their own hoping to join family members in the United States. The camp's population may grow even more if migrants in the caravans castigated by President Donald Trump enter the U.S. Federal officials have said they may fly caravan teens who arrive in San Diego directly to El Paso, then bus them to Tornillo, according to a nonprofit social service provider who spoke on the condition of anonymity because he was not allowed to publicly discuss the matter.

Reported similarly:

[Washington Post](#) [11/27/2018 5:09 PM, Garance Burke and Martha Mendoza]

[The Hill](#) [11/27/2018 11:09 AM, John Bowden, 2630K]

[The Hill](#) [11/27/2018 5:10 PM, Nathaniel Weixel, 2630K]

**[AZ] Shelters say ICE dropping migrant fathers, children at bus stations in Tucson, Phoenix**

[Arizona Daily Star](#) [11/27/2018 9:45 PM, Perla Trevizo, 79K, AZ] reports that under new ICE policy, migrant fathers traveling with children 4 years old or older will be dropped off at local bus stations after being released, instead of taken to area shelters, nonprofit organizations were told. Shelters will only be contacted regarding mothers traveling with children and fathers with children under 3 years old, according to Gretchen López, who runs the Inn Project, one of the shelters that opened a few years ago to receive families being released by immigration officials.

Reported Similarly: [ABC 15](#) [11/28/2018 10:36 AM, Nicole Valdes, 144K, AZ]

**[AZ] Glendale district won't ask students about their immigration status**

[Arizona Republic](#) [11/27/2018 3:35 PM, Lily Altavena, 669K, AZ] reports Glendale Union High School District has agreed to change its enrollment practices following a federal civil-rights investigation. The American Civil Liberties Union of Arizona accused the district of refusing to enroll a 19-year-old Salvadoran refugee in a complaint this spring to the U.S. Department of Education's Office of Civil Rights. The ACLU claimed district officials "intentionally discriminated" against the student in violation of federal law. This month, Glendale Union agreed to revise its enrollment procedures to resolve the complaint – the resolution does not admit wrongdoing on the district's part. The agreement will require Glendale Union to avoid asking prospective students about their immigration status, according to a document shared with The Arizona Republic.

**[CA] How San Diego Is Pushing Back Against 'Zero Tolerance' at the Border**

[Voice of San Diego](#) [11/27/2018 9:00 AM, Maya Srikrishnan, 13K, CA] reports that San Diego's federal court system, the Southern District of California, has been unique among federal court districts along the border for decades. In the '90s, then-U.S. Attorney Alan Bersin decided he would no longer prosecute misdemeanor cases against migrants who entered the country illegally, and would instead focus on felony cases against those who'd been deported multiple times or who had serious criminal records. Prosecutors had been filing thousands of misdemeanors for decades, draining resources but failing to deter illegal crossings. He'd focus on felony cases and leave the rest to immigration officials, who have their own separate civil process to detain and deport migrants. His successors for the most part carried on the tradition – until April. That's when then-Attorney General Jeff Sessions announced a zero-tolerance policy across the border and mandated that prosecutors try to

charge everyone caught crossing illegally with a crime. The following months saw a surge of hundreds of misdemeanor cases each week and eventually, in July, the district created a new special courtroom and new procedures just for these cases.

The change has been met with fierce resistance from defense attorneys in San Diego, who have been trying to slow and stop the prosecutions on multiple fronts, including enlisting the help of The Bail Project to get defendants out of criminal custody and filing broad legal challenges to the separate court system under which they're adjudicated. It's a different story than other states along the border, which have long been prosecuting these cases in a separate courtroom in conjunction with U.S. Customs and Border Protection, commonly known as "Operation Streamline" or the Consequence Delivery system. In some courts, defendants can take plea deals if they plead guilty that same day, and they'll be released from criminal custody to pursue legal status in the country or be deported.

### **[CA] Southern California counties will host public forums on sheriffs' cooperation with ICE**

[Riverside Press Enterprise](#) [11/27/2018 11:12 PM, Roxana Kopetman, 43K, CA] reports that four counties in Southern California plan to hold forums in the coming month to tell the public how jail officials in their communities worked with federal immigration agents. Cooperation between law enforcement and federal immigration agencies is regulated in California, as part of the state's controversial sanctuary laws, some of which took effect early this year. Annual public forums, with law enforcement discussing the ways – including legal interactions – that sheriff's departments, police departments and others have worked with federal immigration authorities, also have been required by the TRUTH Act, a state law that took effect last year.

## **Legal News**

### **ABA president calls for improvements to immigration system, conditions of detention**

[ABA Journal](#) [11/27/2018 6:00 PM, Lorelei Laird, 43K] reports that after a weekend of violence and controversy at the Southern border, ABA President Bob Carlson issued a statement and a letter calling for improvements to the U.S. immigration system. Carlson's statement, dated Tuesday, makes express reference to escalating tensions at the border before calling for "a comprehensive, peaceful resolution to our nation's immigration challenges." Specifically, it asks Congress and the White House to devote more resources to the systems for handling asylum claims. "Our immigration adjudication system is underfunded and undermanned," Carlson wrote. "Nothing should be done to impede access to counsel or diminish due process of law for people seeking asylum." The ABA has frequently called for expanded access to counsel in immigration court, where immigrants are not provided with court-appointed lawyers and the resulting needs are not fully met by pro bono help.

### **U.S. sued for \$60 million after infant in detention later died**

[Washington Post](#) [11/27/2018 4:40 PM, Nomaan Merchant] reports that the mother of a toddler who died weeks after being released from the nation's largest family detention center has filed a legal claim seeking \$60 million from the U.S. government for the child's death. Attorneys for Yazmin Juarez submitted the claim against multiple agencies Tuesday.

Juarez's 1-year-old daughter, Mariee, died in May. Juarez's lawyers say Mariee developed a respiratory illness while she and her mother were detained at the South Texas Family Residential Center in Dilley, Texas. They accuse U.S. Immigration and Customs Enforcement of releasing the pair while Mariee was still sick. The girl died six weeks later in Philadelphia. Washington-based law firm Arnold & Porter says it will file a lawsuit if the government doesn't settle its claim. A spokesman for U.S. Customs and Border Protection says the agency wouldn't comment on pending litigation. Other agencies didn't immediately respond to messages.

#### **[VT] Dairy workers claim ICE intimidation**

[Sun Community News & Printing](#) [11/27/2018 7:00 AM, Lou Varricchio, 3K, NY] reports that civil and immigrant rights groups recently announced they are suing the Department of Homeland Security secretary, multiple customs agents and Vermont's Department of Motor Vehicles commissioner over immigration enforcement practices in Vermont. Vermont-based groups represented in the lawsuit are Migrant Justice, the Center for Constitutional Rights, the American Civil Liberties Union of Vermont, the National Center for Law and Economic Justice, the National Immigration Law Center and the law firm Gibson, Dunn and Crutcher LLP. According to a news release by American Civil Liberties Union-Vermont, the lawsuit alleges that "the Vermont DMV assisted Immigration and Customs Enforcement and DHS in targeting Migrant Justice leaders after the organization worked to pass Vermont's Driver Privilege Card law in 2013, allowing state residents to obtain driving privileges regardless of immigration status." The groups say that when undocumented immigrants began applying for driver's privilege cards, the DMV sent that information on to ICE, which then "compiled dossiers on Migrant Justice leaders, including their social media pages and media appearances." They further allege that the Vermont DMV "shared the plaintiffs' information with ICE for discriminatory purposes, out of racial and anti-immigrant animus."

#### **[NY] New York top court: Jury trials needed when deportation a risk**

[Reuters](#) [11/27/2018 3:16 PM, Jonathan Stempel] reports New York State's highest court said on Tuesday that the U.S. Constitution guarantees jury trials to noncitizens charged with crimes that could subject them to deportation, in a divided ruling that prompted a call for the Supreme Court to weigh in. The Court of Appeals rejected an argument by Bronx county prosecutors that deportation is merely a civil consequence of criminal convictions, and the Sixth Amendment did not require jury trials for defendants charged with minor yet deportable crimes. "It is now beyond cavil that the penalty of deportation is among the most extreme and that it may, in some circumstances, rival incarceration in its loss of liberty," Judge Leslie Stein wrote for a 5-2 majority. The decision coincided with moves by U.S. President Donald Trump to speed up deportations and tighten U.S. borders. His administration was not involved in the case. Within New York, the decision means noncitizens will be entitled to jury trials even if their alleged deportable crimes carry maximum prison terms of six months or less.

#### **[NY] Minor but Deportable Offenses Warrant Jury Trials, NY Court Rules**

[Courthouse News Service](#) [11/27/2018 12:09 AM, Nick Rummell] reports since noncitizens can be deported after convictions on mere misdemeanors, they are entitled to have those charges decided in jury trials, New York's highest court ruled 5-2 Tuesday. The ruling stems from the 2012 prosecution of Saylor Suazo with numerous assault and harassment crimes. Suazo, who remained in the United States illegally after his visa expired, was accused of throwing the mother of his children to the floor, and then choking and beating her. A month

later he was charged with criminal contempt after he violated a restraining order. Before trial, prosecutors had the charges reduced to class-B misdemeanors, which are usually punishable by 90-day maximum sentences and qualify as petty crimes that can be tried summarily without a jury. Suazo nevertheless could face deportation proceedings if convicted, but the trial judge disagreed that this entitled him to a jury trial. After the bench trial concluded in 2012, Suazo was found guilty of the assault charge, as well as menacing, obstruction of breathing or blood circulation, and attempted criminal contempt. A three-judge appellate panel affirmed the judgment, finding that deportation is a collateral consequence of conviction, but the New York Court of Appeals reversed 5-2 on Tuesday.

### **[NJ] New Jersey Combats "Notario" Fraud: 28 New Jersey Businesses Assessed Hundreds of Thousands for Scamming Immigrants**

[JD Supra](#) [11/27/2018 7:15 PM, Norris McLaughlin] The New Jersey Division of Consumer Affairs has announced enforcement actions against 28 businesses across the state for unlawfully providing immigration services "that they [were] not legally permitted to provide." The state served Notices of Violations to each business demanding hundreds of thousands of dollars in civil penalties, after a multi-month investigation prompted by "tips, consumer complaints, and investigative information" found that the businesses were holding themselves out to unsuspecting immigrants as immigration attorneys.

According to the Division of Consumer Affairs, the "investigation of businesses unlawfully selling immigration services aims to deter so-called 'notario' fraud, in which a notary public takes advantage of Spanish-speaking consumers who believe that they are securing the services of an attorney or someone with special knowledge of immigration law and procedure." In a recent Norris McLaughlin Immigration Blog post, we addressed the New Jersey "notario" problem:

### **[MD] City to sue Trump administration over change in 'public charge' immigration policy**

[Baltimore Fishbowl](#) [11/27/2018 5:45 PM, Ethan McLeod, 3K, MD] reports the City of Baltimore plans to sue the Trump administration over its proposed, highly controversial change to longstanding federal immigration policy that would make it more difficult for immigrants to obtain green cards or admission to the United States if they use public assistance like Medicare, food stamps and housing subsidies. The phrase is a provision of immigration law that the U.S. State Department can use to deny entry or green card authorization to someone if they currently or will primarily depend on government-funded long-term care or cash assistance. Under a proposed rule change announced earlier this year, and now up for public comment through Dec. 10, the U.S. Department of Homeland Security would change the "public charge" rule to include those benefits as a way of deterring more immigrants from entering the country.

Reported similarly: [WBAL Channel](#) [11/28/2018 4:03 AM, Staff, 63K, MD]

### **[VA] Culpeper sheriff sued again over immigration policy**

[Daily Progress](#) [11/27/2018 9:30 PM, Allison Brophy Champion, 31K, VA] reports that the American Civil Liberties Union of Virginia has filed a civil suit in Culpeper Circuit Court against Culpeper County Sheriff Scott Jenkins and the Culpeper County Board of Supervisors over the sheriff's agreement with the federal government to help enforce federal immigration policy. This is the second time in as many months that Jenkins has

been sued over the agreement. The lawsuit filed Tuesday names Culpeper County residents Michael McClary and Christina Stockton as the plaintiffs. McClary is a veteran and retired federal worker who writes a column for the Culpeper Star-Exponent.

Reported similarly:

[Fredericksburg Free Lance-Star](#) [11/27/2018 9:00 PM, Allison Brophy Champion, 27K, VA]

**[VA] 2005 rape and murder case continues without trial after latest competency review**

[Williamsburg Yorktown Daily](#) [11/26/2018 7:00 PM, Alexa Doiron, 4K, VA] reports with an interpreter standing in front of him, Oswaldo Martinez was still found to be incompetent for trial at a semi-annual review on Tuesday. Martinez, a 47-year-old deaf-mute undocumented immigrant from El Salvador, is accused of raping and killing 16-year-old Brittany Binger on Jan. 2, 2005 in James City County. He has attended competency hearings every six months for the past 13 years but the reviews in the past have proven he remains unable to stand trial because he cannot understand enough information about his case and court proceedings. In about a seven-minute span, Tuesday's review provided the same result.

**[MO] Next immigration hearing for Park professor Syed Jamal postponed until 2022**

[WDAF-TV](#) [11/27/2018 5:17 PM, Melissa Stern, 55K, MO] reports three years and five months. That's how long metro professor Syed Jamal has until his next hearing for relief. The Park University professor's family said a judge postponing his case is bittersweet. They have a few more years together without fear of their father and husband being taken away. But after that, his immigration status will be up in the air once again. Jamal appeared before a judge Tuesday afternoon for his first immigration hearing since an Immigration Appeals Board ruled to give him a new day in court. The judge postponed the hearing for Jamal, something both the Jamal family and their attorney said they anticipated. The next hearing will be in April 2022. "For me, it's a bit worse because I'll be in college by then, and it depends on where I go if I'll have to fly back," Taseen said. "He's kicked it out far enough so that we have plenty of time, for both sides, to settle that particular issue," Sharma-Crawford added. The metro professor will continue to check in with ICE as mandated. [Editorial note: consult source link for video]

Reported Similarly: [Lawrence Journal-World](#) [11/27/2018 6:04 PM, Rochelle Valverde, 38K, KS]

**[OH] Court hearing set for Haitian refugee held at Geauga County Safety Center**

[News-Herald](#) [11/27/2018 12:00 PM, Andrew Cass19K, OH] reports a Haitian man seeking refuge in the United States who has been held in the Geauga County jail for two years will appear in court Nov. 28. It will be the first time Ansly Damus will be out of the jail since October 2016, according to an ACLU of Ohio spokesperson. A habeas corpus petition hearing in the U.S. District Court Eastern District of Michigan will determine whether Damus must be released from the Geauga County Safety Center because he is being improperly held. On Sept. 15, 2014, Damus, an ethics teacher, was leading a youth seminar in his hometown of Grand-Riviere-du-Nord. He was discussing the problem of corruption in Haitian politics when he named a local official as an example of someone who works with gangs to terrorize the population. On that same day, he was attacked by the gang affiliated with that politician. He left Brazil for the United States, arriving at the California border in October 2016 seeking asylum. Damus was twice granted asylum, but both times the



government appealed. During that time he remained in his cell at the Geauga County Safety Center under the authority of ICE's Detroit Field Office. In March, Damus was named as a plaintiff in a class-action lawsuit filed by the ACLU, Center for Gender and Refugee Studies, Human Rights First, and Covington & Burling LLP, challenging the Trump administration's arbitrary detention of asylum seekers fleeing persecution, torture, or death in their countries of origin. Five ICE field offices are named in the lawsuit, including the Detroit office that covers Ohio.

**[IL] Woman won't accept DuPage plea deal in aggravated DUI case**

[Chicago Daily Herald](#) [11/27/2018 9:03 PM, Justin Kmitch, 98K, IL] reports a Cicero woman, who is accused of driving drunk when she crashed her SUV into an Aurora pond and left her 6-year-old son in the submerged vehicle, will not accept a deal from prosecutors that includes prison time, her attorney said. Attorney Raul Villalobos said Tuesday outside court that his client, Gladys X. Ruvira-Garcia, is considering either a blind plea or taking the case to trial. Ruvira-Garcia, 32, of the 5600 block of West 22nd Place, is charged with four counts of aggravated DUI and faces up to 12 years in prison if convicted. She pleaded not guilty and has been free on \$150,000 bail since last November when Brennan lowered her bail from \$500,000. Ruvira-Garcia, despite being free on bail, was placed on an immigration detainer by Immigration and Customs Enforcement. ICE officials said Ruvira-Garcia overstayed a temporary visitor's visa after entering the United States in May 2015. "(Ruvira-Garcia)" is a citizen of Mexico illegally present in the United States. On Oct. 15, 2017, officers with U.S. Immigration and Customs Enforcement (ICE) placed an immigration detainer on her with the Aurora Police Department at the time of her DUI arrest," spokeswoman Nicole Alberico said. "However, on Nov. 25, 2017, DuPage County jail failed to honor the ICE detainer and Ruvira-Garcia was released on bond."

**[IA] Undocumented immigrant convicted of using another person's Social Security number**

[KWWL-TV](#) [11/27/2018 4:51 PM, Staff, 31K, IA] reports a Guatemalan man, who used another person's social security number to complete employment paperwork, was convicted by a jury Monday after a one-day trial in federal court in Cedar Rapids. Adner Toj-Velasquez, 35, a citizen of Guatemala, illegally present in the U.S. and residing in Postville, Iowa, was convicted of one count of misuse of a social security number. The Verdict was returned following about 25 minutes of jury deliberations. The evidence at trial showed that on February 8, 2015, Toj-Velasquez used someone else's social security number on employment and tax documents when applying for work in Luana, Iowa. On the employment form, Toj-Velasquez falsely claimed to be a U.S. citizen. Toj-Velasquez faces a possible maximum sentence of five years in prison, a \$250,000 fine and three years of supervised release following any imprisonment.

**[TX] Illegal immigrant mother sues U.S. government for \$60 million over child death**

[Washington Times](#) [11/27/2018 2:12 PM, Nomaan Merchant, 547K, DC] reports that the mother of a toddler who died weeks after being released from the nation's largest family detention center filed a legal claim seeking \$60 million from the U.S. government for the child's death. Attorneys for Yazmin Juarez submitted the claim against multiple agencies Tuesday. Juarez's 1-year-old daughter, Mariee, died in May. Juarez's lawyers said Mariee developed a respiratory illness while she and her mother were detained at the South Texas Family Residential Center in Dilley, Texas. They accused U.S. Immigration and Customs Enforcement of releasing the pair while Mariee was still sick.

Reported similarly:

[Law 360](#) [11/27/2018 9:13 PM, Kevin Penton]

[Local 4](#) [11/27/2018 9:03 PM, Kayla Clarke, 187K, MI]

**[TX] A Defendant Shows Up in Immigration Court by Himself. He's 6.**

[ProPublica](#) [11/27/2018 5:08 PM, Eva Ruth Moravec and Ginger Thompson, 158K] reports it was shortly before Thanksgiving in an immigration court in San Antonio, and the third defendant to come before Judge Anibal Martinez walked into the courtroom without an attorney, wearing a gray winter hat that was stitched with a pair of blue googly eyes and a floppy red yarn mohawk. When the bailiff asked his name, he piped up proudly: Wilder Hilario Maldonado Cabrera. "How old is Wilder?" the immigration judge asked. "Seis anos," he said, 6, his legs dangling from a chair at the defendant's table. He was one of the last children left in government custody who had been affected by the administration's widely criticized zero-tolerance policy, and who were still awaiting reunification with parents detained in the United States. Wilder's mother, Maria Elida Cabrera, was still back in El Salvador, struggling for the first time to feed Wilder's three siblings on her own. An attorney helped Wilder put on his headphones, so he could hear the court translator, as if language was the only barrier to his ability to follow the whirlwind proceedings. Then she asked the judge to set aside any decisions about the boy's asylum claim until Wilder's lawyer could arrange to be in court with him.

**[WA] Judge: GEO must turn over financial info on immigration jail**

[News Tribune](#) [11/27/2018 1:23 PM, Associated Press, WA] reports a federal judge says the private prison company The GEO Group must turn over to Washington state detailed financial information about its immigration jail in Tacoma. Washington Attorney General Bob Ferguson is seeking the information in a lawsuit that attempts to force the company to pay the state minimum wage to detainees who perform work at the Northwest Detention Center. They previously have been paid \$1 per day. The state says it needs information about the budget and profits to calculate how much GEO might be required to pay back. GEO has been fighting that, saying the information is sensitive and irrelevant to the case. U.S. District Judge Robert Bryan ruled last month that GEO had to turn over the information and then denied the company's request to reconsider. On Tuesday, he rejected GEO's request for permission to immediately appeal.

## **Enforcement News**

**[VT] Vermont delegation worried by Border Patrol checkpoint plans**

[Washington Times](#) [11/27/2018 10:31 AM, Wilson Ring, DC] reports that the three members of the Vermont congressional delegation say they are concerned by U.S. Border Patrol plans to set up immigration checkpoints in the interior of the state, far from the Canadian border. In a Tuesday statement, U.S. Sens. Patrick Leahy, a Democrat, independent Bernie Sanders and U.S. Rep. Peter Welch, also a Democrat, say they don't think checkpoints would make Vermont or the United States any safer. Rather, they say the checkpoints would cause needless delays for travelers and hinder commerce between Vermont and Canada. Federal law allows the Border Patrol to set up checkpoints within 100 miles of the international border. The Vermont Border Patrol headquarters, which did not immediately

respond to requests for comment, occasionally sets up such checkpoints in New Hampshire and New York.

**[NY] Prosecutor: Cliffside Park Laborer Had Sex With Two Pre-Teens, ICE Issues Deportation Detainer**

[Daily Voice](#) [11/27/2018 1:23 PM, Jerry DeMarco, 5K, NY] reports federal immigration authorities have placed a detainer for deportation hearings on a Cliffside Park laborer accused of having sex with two different children each under 13 years old. A judge in Hackensack ordered that Jairo N. Jocon, a 37-year-old Guatemalan national, remained held in the Bergen County Jail following his arrest last week on sexual assault and child endangerment charges, Acting Bergen County Prosecutor Dennis Calo said. A detention hearing was scheduled for this Wednesday in Hackensack. If a judge orders his release, new Bergen County Sheriff Anthony Cureton told Daily Voice that he will keep Jocon in custody for 48 hours while ICE decides what to do with him.

**[NC] Immigrant Who Lived In Church Loses Bid To Avoid Deportation**

[Washington Post](#) [11/27/2018 8:57 AM, Associated Press] reports two congressmen say a Mexican immigrant who had sought refuge in a North Carolina church has been rejected in a formal request to stay in the U.S. to support his family. G.K. Butterfield and David Price announced late Monday that Samuel Oliver-Bruno's petition for deferred deportation was denied. It's not clear when he may be removed from the U.S. Online records listed him as being in a Georgia detention center Tuesday morning. Federal immigration officials have said the 47-year-old has no legal basis to be in the country.

[The Hill](#) [11/27/2018 12:22 PM, Emily Birnbaum] reports that Oliver-Bruno, 47, had been living in the basement of the CityWell United Methodist Church in Durham, N.C., for nearly a year while he petitioned for his deportation to Mexico to be delayed. Oliver-Bruno was reportedly arrested when he left the church to meet immigration officials for a scheduled appointment. The congressmen are now calling on ICE and Homeland Security Secretary Kirstjen Nielsen to reverse their decision to deny his formal request for deferred deportation. They say ICE has told Oliver-Bruno that he will be deported immediately. Oliver-Bruno's son, Daniel Oliver-Perez, was arrested for assaulting a federal law enforcement officer on Friday while he participated in a protest by members of the community against his father's arrest. Oliver-Perez was released from jail on Friday facing a state criminal charge of assault on a government official. He could also face federal charges.

[BizPac Review](#) [11/27/2018 12:48 PM, Frieda Powers] reports that conflicting accounts arose over Friday's incident as supporters claim the arrest was a set-up. ICE issued a statement to The News & Observer through a spokesperson. ICE spokesperson Bryan Cox said, "Mr. Oliver-Bruno is a convicted criminal who has received all appropriate legal process under federal law, has no outstanding appeals, and has no legal basis to remain in the U.S."

Reported similarly:

[USA Today](#) [11/27/2018 2:11 PM, Josh Hafner]

[New York Daily News](#) [11/27/2018 1:45 PM, David Boroff, 1197K, NY]

[News & Observer](#) [11/27/2018 7:00 AM, Ron Gallagher, 121K, NC]

[Durham Herald-Sun](#) [11/27/2018 12:40 PM, Joe Johnson, 37K, NC]

[ABC 11](#) [11/27/2018 7:03 PM, Gloria Rodriguez, 4K, NC]

**[TX] ICE deports five fugitives from El Salvador**

[Homeland Preparedness News](#) [11/27/2018 2:11 PM, Melina Druga] reports that five illegal aliens from El Salvador, currently wanted in their home country for various serious offenses, were deported last week by U.S. Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations officers. The fugitives were flown on a charter flight from the George Bush Intercontinental Airport in Houston to the Monseñor Óscar Arnulfo Romero International Airport in San Salvador, El Salvador. After landing, they were arrested by Policia Nacional Civil officers. Four of the fugitives are known members of the transnational criminal street gang MS-13. They entered the United States between Dec. 21, 2015, and last month. It is unknown, however, when the fifth fugitive entered the country. The five fugitives, who range in age from 20 to 26 years old, include Milessa Carolina Cortez-Granados who was wanted for attempted aggravated murder and terrorist organizations. She was previously removed Nov. 12, 2009. Additionally, Jose David Umanzor-Hernandez was wanted for aggravated homicide and criminal associations. Kevin Brandon Aragon Luna was wanted for terrorist organizations. Pedro Antonio Cruz Rodriguez was wanted for aggravated homicide, terrorist organizations and aggravated deprivation of liberty. Ever Rafael Roca-Ruiz was wanted for aggravated homicide.

**[TX] ICE officials deport man wanted for money laundering**

[KGNS](#) [11/27/2018 8:26 AM, Staff, 5K, TX] reports that U.S. Immigration and Customs Enforcement officials have deported a fugitive from Argentina who was wanted for money laundering. According to authorities in Argentina, 37-year-old Carlos Adolfo Gellert is linked to a chain of companies that allegedly laundered money for Daniel Munoz, the former personal secretary of the late Argentine President Nestor Kirchner. Officials say Gellert's case is part of a larger investigation by Argentine authorities into allegations of public corruption, money laundering, bribery and other crimes. According to Mexican authorities, Gellert and his wife traveled to Mexico and hid in Monterrey, Nuevo Leon, before attempting to enter the U.S. Gellert was encountered by immigration officials on November 7 after he attempted to apply for admission into the U.S. He was then transferred to ICE custody where he remained until his removal on November 23. ICE says Gellert was flown to Buenos Aires Argentina on November 23 and turned over to authorities in Argentina.

**[CO] Illegal alien from Mexico sentenced to Prison for conspiracy to manufacture marijuana in Colorado**

[Gloucester City News](#) [11/27/2018 2:11 PM, Staff, NJ] reports that an illegal alien from Mexico was sentenced last week to serve three years in federal prison for conspiracy to manufacture and possess with intent to distribute 100 or more marijuana plants. This sentence was announced by U.S. Attorney Jason R. Dunn, District of Colorado; U.S. Forest Service Special Agent in Charge Kent Delbon; and Special Agent in Charge Steven W. Cagen, U.S. Immigration and Customs Enforcement's (ICE) Homeland Security Investigations (HSI) in Denver. Margarito Yepez-Sanchez, 25, an illegal alien from Mexico, was first charged by criminal complaint on Sept. 21, 2017. He was indicted by a federal grand jury Oct. 11, 2017. His guilty plea to conspiracy to manufacture and possess with intent to distribute marijuana was accepted by U.S. District Court Judge R. Brooke Jackson on Aug. 10, 2018. Yepez-Sanchez was sentenced by Judge Jackson Nov. 15. Yepez-Sanchez appeared at the sentencing in custody and was remanded after the hearing concluded. This case was investigated by the U.S. Forest Service and HSI. The following additional agencies assisted with executing the search and arrest warrants: ICE

Enforcement and Removal Operations, Custer County (Colorado) Sheriff's Office, and Colorado National Guard.

**[NM] Transgender immigrant who died in ICE custody was beaten and deprived of medical attention, family says**

[CNN](#) [11/27/2018 9:39 AM, Emanuella Grinberg] reports that lawyers for the family of a transgender immigrant say she was physically abused while in U.S. custody and died from insufficient medical care. Roxsana Hernandez Rodriguez was an HIV-positive transgender woman who fled Honduras to seek asylum in the United States, according to lawyers representing her family. She entered ICE custody on May 13 at the San Ysidro Port of Entry near San Diego, California, according to ICE. She was transferred to a privately run ICE detention facility, Cibola County Correctional Center in New Mexico on May 16 and housed in a unit for transgender detainees. Nine days later, she died at Lovelace Medical Center in Albuquerque. The preliminary cause of death was identified as cardiac arrest, ICE said in a statement at the time. But a private autopsy paid for by the Transgender Law Center, which is representing Hernandez's family, suggests she most likely died from "severe complications of dehydration" on top of HIV infection. The report also found bruising on her body that suggests she was shackled tightly at the wrists and beaten on her back and abdomen, lawyers for her family said.

The [Huffington Post](#) [11/27/2018 9:40 AM, Dominique Mosbergen, 9094K] reports that ICE disputed the autopsy findings. Spokeswoman Danielle Bennett told The Daily Beast the agency could not "speak to the validity of the private autopsy," but said allegations that Hernandez was abused in federal custody "are false." "A review of Hernandez's death conducted by ICE Health Service Corps medical professionals confirmed that she suffered from a history of untreated HIV. At no time did the medical personnel treating Ms. Hernandez at Cibola General Hospital or Lovelace Medical Center raise any issues of suspected physical abuse," Bennett said.

Reported similarly:

[New York Times](#) [11/28/2018 12:33 AM, Sandra E. Garcia, 22322K]

[FOX News](#) [11/28/2018 3:00 AM, Amy Lieu]

[Raw Story](#) [11/27/2018 8:37 AM, David Badash, 689K, DC]

[Inquisitr](#) [11/27/2018 6:13 AM, Lea van der Merwe]

[Blavity](#) [11/27/2018 11:16 AM, Ashleigh Atwell]

[NYLON](#) [11/27/2018 11:16 AM, Bailey Calfee]

[Metro Weekly](#) [11/27/2018 11:16 AM, John Riley, DC]

[Miami Herald](#) [11/27/2018 12:51 PM, Josh Magness, 610K, FL]

[AZCentral](#) [11/27/2018 8:46 PM, Daniel González, 669K, AZ]

**[OR] Oregon Man Tries to Pay ICE Agent to Deport Estranged Wife and Her Child**

[Inside Edition](#) [11/27/2018 10:16 AM, Staff] reports that a Portland man has pleaded guilty to trying to bribe an agent with U.S. Immigration and Customs Enforcement to deport his estranged wife and her child, authorities said. Antonio Burgos, 48, first contacted an agent by following the officer from an ICE facility in Portland to a Vancouver parking lot, where he offered them money to deport his wife, The Oregonian reported. Burgos explained he was in the process of divorcing the woman, who was reportedly from El Salvador. He said he had sponsored the unnamed woman's residency in the U.S. after they were married in her home country, but now that they were separating, he wanted her, as well as her child from a



previous relationship, out of the U.S., according to reports. The officer declined and reported it to the Office of Professional Responsibility, and at their instruction, called Burgos the next week, The Oregonian wrote. On Tuesday, Burgos pleaded guilty to a bribery charge. He will be sentenced on May 6. He faces up to 15 years in prison, a \$250,000 fine and three years of supervised release.

**[CA] Migrant Woman Is Impaled After Trying to Scale U.S.-Mexico Border Wall**

[New York Times](#) [11/27/2018 10:31 AM, Liam Stack] reports that a Guatemalan migrant fell and was impaled on metal bars last week after she and her children tried to climb a wall on the United States border with Mexico, Customs and Border Protection said in a statement. The agency said that "pieces of rebar" had pierced the woman, a 26-year-old who has not been publicly identified, in the side of her torso and in her buttock on Friday about a mile from an official border crossing at San Ysidro, Calif. It released a picture on Sunday that showed her lying on her back in the dirt, her face out of the frame, with someone lifting her limp body to reveal a dark pool staining the ground beneath her. Rodney Scott, the chief patrol agent for the border agency's San Diego sector, said the woman had risked her life climbing the border wall and could have died if not for emergency responders. "Entering our country illegally, particularly over our walls is not only dangerous, but also very foolish," Mr. Scott said in the statement. "This woman placed her own life and her children's lives in peril." The woman was brought to a hospital, where she was treated for non-life-threatening injuries and her children were evaluated for "potential fall trauma," the agency said. The children, ages 3 and 5, were later released into the custody of the Department of Homeland Security, which declined to say where they were being held on Tuesday.

**{End of Report}**

**From:** [EOIR, PAO \(EOIR\)](#)  
**To:** [All of EOIR](#)  
**Subject:** EOIR Morning Briefing, Nov. 29, 2018  
**Date:** Thursday, November 29, 2018 9:57:25 AM  
**Attachments:** [image002.png](#)

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# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Thursday, Nov. 29, 2018**

## **[Executive Office for Immigration Review](#)**

[ICE detainee hanged himself after being taken off suicide watch](#)

## **[Policy and Legislative News](#)**

[Sen. Graham, Secretary Nielsen talk border security](#)

[Trump administration expected to extend military mission along border through the holidays](#)

[California assessing legal action against use of force on Mexico border](#)

[Migrant caravan update: Mexico will open second shelter for migrants in Tijuana](#)

[One-third of migrants in caravan are being treated for health issues, Tijuana health official says](#)

[How to organize thousands of asylum-seekers in Tijuana](#)

[As Conditions Worsen, Some Caravan Migrants Seek to Go Back Home](#)

[Migrant caravan: The only solution is to let them in](#)

[Migrant caravan mostly standard illegal immigrants, not refugees fleeing violence](#)

[U.S. and Mexico face stark choices as new president takes over](#)

[Exclusive: Trump threatens government shutdown over border wall funding](#)

[Hispanic Caucus sets red lines on DHS spending bill](#)

[Immigration officials are exploiting legal loopholes to continue separating families at the](#)

[border](#)

[Groups demand end to info-sharing on asylum-seeking children](#)

[Trump Immigration Proposal Places Health of Migrant Children at Risk](#)

[Justice Dept. says judge should lift injunction or be overruled on asylum rule](#)

[How a policy shift may have led to the border confrontation with the migrant caravan](#)

[Trump's Deal With Mexico Could Make Asylum Next to Impossible](#)

[The US has made migrants at the border wait months to apply for asylum. Now the dam is breaking.](#)

[Trump Is Attempting to Prevent Most Asylum-Seekers From Having Access to Legal Representation](#)

[The Trump Immigration Crisis Rolls on](#)

[Tear gas should never be used on children. Period.](#)

[They're Refugees. Fleeing Gang Violence and Domestic Abuse. Why Won't the Trump Administration Let Them In?](#)

[How migrant caravan may force Congress to fix a broken asylum system](#)

[Report: The overall number of undocumented immigrants in the U.S. is decreasing](#)

[Senate panel delays vote on Trump pick to lead Immigration and Customs Enforcement](#)

[\[TX\] HHS Watchdog Says Migrant Child Facility Isn't Vetting Staff](#)

[\[IA\] Fairbank chief: New state policy forces police to assist ICE](#)

[\[TX\] No one on the inside can talk about what's happening at the tent city for migrant kids](#)

## **Legal News**

[Feds hit with \\$60 million claim over migrant infant who died after leaving detention center](#)

[Immigration Adjudication in the "Trump Era"](#)

[\[NY\] NY Justices Mandate Jury Trials For Deportation-Tied Charges](#)

[\[NY\] Statement of the New York City Bar Association Concerning the Independence of Veterans Law Judges and Immigration Judges](#)

[\[NY\] LI immigrant detained after stop for broken headlight expected to be freed](#)

[\[MD\] Baltimore sues Trump administration over immigration policy](#)

[\[DC\] Judge Orders Reunification of Mother and Son From El Salvador](#)

[\[VA\] ACLU Sues Culpeper Sheriff for Helping ICE](#)

[\[NC\] ICE drops deportation of Charlotte mom nabbed after she turned up for court](#)

[\[TN\] An Immigrant Journalist Faces Deportation as ICE Cracks Down on Its Critics](#)

[\[MO\] Lawrence man facing deportation gets reprieve until 2022](#)

[\[MI\] Judge wants answers from ICE on imprisoned Haitian asylum seeker](#)

[\[TX\] Texas appeals court rejects challenge to immigrant detention centers](#)

[\[OR\] Governor Brown Proposes \\$2 Million to Cover Immigrant Legal Fees](#)

## **Enforcement News**

[Border Patrol Arrests MS-13 Member Who Traveled with Caravan](#)

[\[VA\] Virginia family of Muslim teen raped, slain gets to question killer as part plea deal](#)

[\[WV\] Mexican National Man Pleads Guilty to Immigration Crime](#)

[\[NC\] North Carolina State Students Demand Sanctuary Campus After Previously Deported Felon's Arrest](#)

[\[NC\] "It is cruel and irrational:" Congressman continues fight for local man detained by ICE](#)

[\[NC\] When Love Is Not Enough: The Health Toll of Immigration Enforcement](#)

[\[GA\] ICE detains green card applicant with no criminal record](#)

[\[MO\] Honduran national sentenced for illegally re-entering the United States](#)

[\[TX\] Border Patrol Arrests Two Central Americans in Texas with Gang Affiliations](#)

[\[TX\] ICE places immigration detainer on alleged hit-and-run driver accused of killing teacher](#)

[\[AZ\] 3 undocumented men with criminal records arrested in separate incidents in Arizona](#)

[\[NM\] 'Abuse' found by independent autopsy of trans woman who died in ICE custody](#)

[\[NM\] Father seeking asylum is released from immigration jail after 21 months](#)

[\[OR\] Final ICE Detainees Leave Federal Prison In Oregon](#)

[\[CA\] MS-13 Member Says He Traveled with Migrant Caravan to California](#)

[\[CA\] Honduran who was deported from America in 2006 becomes the first MS-13 gang member in the caravan to be arrested](#)

[\[CA\] Return possible for Oakland nurse whose deportation split family](#)

## **Executive Office for Immigration Review**

### **ICE detainee hanged himself after being taken off suicide watch**

[Washington Post](#) [11/28/2018 9:36 PM, Maria Sacchetti, 11653K] reports Mergensana Amar, a 40-year-old Russian citizen, showed up at a legal checkpoint on the U.S.-Mexico border last year and pleaded for protection in the United States. In October, his jailers in Tacoma, Wash., found a handmade rope under his bed and briefly placed him on suicide watch, according to federal documents reviewed by The Washington Post. On Nov. 15, he tried to hang himself and was placed on life support. Amar died Saturday, a spokeswoman for U.S. Immigration and Customs Enforcement said this week. His death – the second involving a detainee in an ICE facility since Oct. 1 – comes as immigration advocates are raising questions about inmate safety and as the Trump administration is holding record numbers of immigrants in custody. Deaths in immigration jails plunged from 28 in 2004, under President George W. Bush, to six a decade later. Twelve immigrants died in ICE custody in fiscal 2017, according to agency records, and nine died last fiscal year. ICE spokeswoman Tanya Roman said in a statement that the federal government would conduct "a thorough investigation" of Amar's death "in order to affirm that ICE protocols were followed." She said, "Amar remained in good physical health prior to this incident and

was monitored daily by ICE Health Service Corps medical professionals."

Amar arrived at the San Ysidro border checkpoint in California on Dec. 2. He was jailed at Northwest Detention Center, a private facility run by Geo Group, which manages 75,000 beds in 70 prisons and detention facilities nationwide, according to its website. In interviews before his death, he told advocates and a reporter that he feared for his life in Russia because skinheads had beaten him and he'd been jailed for calling for independence for the Buryatia republic, the remote region in Siberia where he said he lived. An immigration judge denied Amar's asylum claim on Aug. 7, and ordered him deported. Agency officials declined to say why he was jailed throughout the process. On Oct. 1, Amar appealed his deportation order to the Board of Immigration Appeals. But he was too late. The board dismissed the appeal as "untimely," said court spokeswoman Kathryn Mattingly, because it was filed after the 30-day deadline. Amar would have had to submit the appeal by Sept. 6, the same day ICE filed the court petition saying he was in danger of "imminent death." He was scheduled for deportation this month.

## **Policy and Legislative News**

### **Sen. Graham, Secretary Nielsen talk border security**

[FOX News](#) [11/27/2018 10:00 PM, Staff, 10787K] reports that Sen. Lindsay Graham and Department of Homeland Security Secretary Kirstjen Nielsen appear on "Hannity" to discuss border security. [Editorial note: consult source link for video]

[CNS News](#) [11/28/2018 8:24 AM, Susan Jones] reports "We will not tolerate illegal or violent entry into our country," Homeland Security Secretary Kirstjen Nielsen told Fox News's Sean Hannity Tuesday night. She expects as many as 10,000 migrants from Central American to make it to the U.S. border, where most will apply for asylum. But many will be disappointed, Nielsen said: "Ultimately, we only see about 9 percent, 10 percent of Central Americans who make an asylum claim actually be granted asylum by an immigration judge. And that's really important -- that's really important to put in perspective. "So 90 percent of those making asylum claims are not making the claim that can be honored under the statutory framework within the United States, it's not a valid reason for asylum. You've heard me say it before. If you are coming to get a job, that's not a claim for asylum. If you are coming to be with your family, that's not a claim for asylum." Nielsen noted that the Mexican government offered both asylum and work permits to members of the caravan, but they turned down Mexico's offer and continued the journey north. "They've been offered asylum," she said. [Editorial note: consult source link for video]

### **Trump administration expected to extend military mission along border through the holidays**

[Washington Post](#) [11/28/2018 3:39 PM, Missy Ryan, Josh Dawsey and Nick Miroff, 11653K] reports the Trump administration is expected to extend the military mission along the U.S. border with Mexico, a White House official said Wednesday, likely keeping troops away from their normal posts through the holidays. The official, speaking on the condition of anonymity to discuss plans that have not yet been announced, said the assignment was expected to last at least 45 days beyond its scheduled end date of Dec. 15. That decision would affect almost 6,000 active duty military personnel now stationed in southern areas of Texas, Arizona and California, lengthening a mission critics have described as an unnecessary ploy to galvanize anti-immigrant sentiment. News of a possible extension,



which was first reported by NPR, comes days after a dramatic confrontation at a border crossing outside San Diego. Homeland Security Secretary Kirstjen Nielsen, asked last week about the timetable for the troop deployment, said she had spoken to Mattis and had "no doubt" the Department of Defense would "continue to be our partners in this mission until it is resolved."

Additional reporting:

[Washington Post](#) [11/28/2018 11:36 AM, Dan Lamothe]

[FOX News](#) [11/28/2018 4:22 PM, Bradford Betz]

### **California assessing legal action against use of force on Mexico border**

[Reuters](#) [11/28/2018 12:10 PM, Ginger Gibson] reports California Attorney General Xavier Becerra is assessing whether the state can take legal action over the Trump administration's use of force against a caravan of migrants or a decision and future threats to shut the border with Mexico, he said in an interview with Reuters on Wednesday. "We have been approached by folks who have expressed complaints," Becerra, who is the son of Mexican immigrants, said. "We are monitoring what's occurring." Should California opt to take legal action, they would join a growing public protest over the implementation of President Donald Trump's hardline immigration policies, including the use of tear gas against the Central American migrants at the border and the decision to separate migrant children from their parents. California has limited jurisdiction to insert itself despite the clashes taking place on the state's border because the federal government has sweeping control over border and immigration administration. Becerra suggested that if a state resident was being affected, including by shutting of the border, the state could have cause to intervene.

Reported similarly: [FOX News](#) [11/28/2018 4:22 PM, Stephen Sorace]

### **Migrant caravan update: Mexico will open second shelter for migrants in Tijuana**

[Arizona Republic](#) [11/28/2018 7:57 PM, Rafael Carranza, 669K, AZ] reports that the Mexican federal immigration agency is preparing to open a second emergency shelter for thousands of mostly Central American migrants who traveled to this border community as part of a caravan to seek asylum in the United States. The vast majority of the migrants are staying at the city-owned Benito Juarez sports complex, an outdoor recreation area that is at nearly double its intended capacity just two weeks after it opened. But with rain in the forecast for the remainder of the week, Mexican officials are working against the clock to open up a more suitable indoor space to house migrants for up to several weeks. "We're worried about the health and security conditions of families that are in the sports complex, so that's why we're getting ready," said Mario Osuna Jimenez, the city's social-development director.

### **One-third of migrants in caravan are being treated for health issues, Tijuana health official says**

[FOX News](#) [11/28/2018 4:22 PM, Lukas Mikelionis and Griff Jenkins] reports that migrants who came with the caravan are suffering from respiratory infections, tuberculosis, chickenpox and other serious health issues, Tijuana's Health Department warned on Thursday morning. The spokesman told Fox News that out of 6,000 migrants currently residing in the city, over a third of them (2,267) are being treated for health-related issues. There are three confirmed cases of tuberculosis, four cases of HIV/AIDS and four separate

cases of chickenpox, the spokesman said.

### **How to organize thousands of asylum-seekers in Tijuana**

[Washington Post](#) [11/28/2018 10:11 AM, Sarah Kinoshian, 11653K] reports that the United States will process only up to 100 asylum seekers each day. So the thousands of hopeful applicants here needed a way to organize who'd apply, and in what sequence. An informal group of migrants, with the help of Mexican migration authorities, emerged to keep order: a list of names scrawled in a notebook. Today, that group has 10 members and a clear set of rules. After I arrived here this month to cover the migrant caravan, I met Joel Antonio Coyado Martinez, 27, an asylum seeker from Nicaragua, who oversees the day-to-day operations of the list.

### **As Conditions Worsen, Some Caravan Migrants Seek to Go Back Home**

[Wall Street Journal](#) [11/28/2018 5:39 PM, Santiago Perez and Alicia A. Caldwell] reports that hundreds of Central American migrants who traveled in caravans to Tijuana are requesting assistance to go back home or filing for asylum in Mexico rather than seeking to legally enter the U.S., Mexican authorities said. The spike in such requests over the past two days comes as migrants are facing diminishing prospects to get to the U.S. soon and after violent clashes Sunday between migrants and U.S. security officers at the border. About 200 migrants have filed for voluntary repatriation with Mexican authorities over the past two days in Tijuana, said a senior officer of Mexico's migration agency. No such requests were made in the prior week.

Reported similarly: [FOX News](#) [11/28/2018 12:27 PM, Griff Jenkins, 10787K]

### **Migrant caravan: The only solution is to let them in**

[The Hill](#) [11/28/2018 11:30 AM, Elizabeth Oglesby, 2630K] reports that on Monday, President Donald Trump threatened to close down the entire border if Mexico didn't send migrants back home and exhorted Congress to "fund the wall." Despite Trump's political grandstanding, the only viable policy for the United States is to let the Central Americans make their petitions for asylum as expeditiously as possible. Central American migrants, who for weeks had made an arduous trek through Mexico, are waiting in Tijuana for their chance to apply for political asylum in the United States. The lack of an adequate infrastructure to process asylum petitions at the border is a question of political will, not resources. If the president can mobilize more than 5,000 troops to the border, to do essentially nothing, surely it is possible to dispatch trained asylum officers to expedite the Central Americans' petitions.

### **Migrant caravan mostly standard illegal immigrants, not refugees fleeing violence**

[Washington Times](#) [11/28/2018 8:25 PM, Stephen Dinan, 547K, DC] reports the Central Americans surging into the U.S. and claiming asylum look a lot more like regular illegal immigrants, eager for better jobs or to reunite with families, than traditional refugees fleeing persecution or violence back home, according to a new report Wednesday that challenges conventional wisdom on the migrants' motives. And while they are often referred to as asylum-seekers, few of the migrants from Guatemala, Honduras and El Salvador — the chief sending countries — are likely to end up winning asylum in the U.S., according to the study by academics at the National Center for Risk and Economic Analysis of Terrorism Events (CREATE) at the University of Southern California, and the Institute for Defense Analyses. Adults are most likely to come for better jobs, the researchers said. They can

improve their incomes by 1,200 percent in moving from Central America to the U.S. Children, meanwhile, are coming for economic opportunities but also to reunite with family already in the U.S., they concluded.

### **U.S. and Mexico face stark choices as new president takes over**

[Washington Post](#) [11/29/2018 1:39 AM, Matthew Lee and Mark Stevenson] reports migrants, trade, crime, the border wall: The challenges to the modern U.S.-Mexico relationship have perhaps never been as stark and divisive as they are now, at a critical juncture for both countries. With a new president preparing to take power in Mexico City this weekend and the Trump administration set to enter its third year, the two neighbors find themselves lurching between crisis and opportunity on each front. While a trade dispute that President Donald Trump had fanned with great enthusiasm seems set to ease, the other issues remain unresolved and potential flashpoints for both countries. "This is really a key moment," said Earl Anthony Wayne, a former U.S. ambassador to Mexico. "There are very serious short-term problems that have to be managed and managed in a way that can solidify relations over the course of the next six years."

### **Exclusive: Trump threatens government shutdown over border wall funding**

[Politico](#) [11/28/2018 6:04 AM, Jake Sherman and Anna Palmer] reports that for the past two years, congressional Republicans have persuaded President Donald Trump to delay the fight to fund his border wall, convincing him he would pay a steep political price for such a high-stakes legislative brawl. Trump is done waiting. Nine days ahead of a deadline that could trigger a partial government shutdown, with no solution in sight, the president told POLITICO in an Oval Office interview on Tuesday that he is unflinchingly firm Congress must send him a bill approving \$5 billion for his wall on the U.S.-Mexico border and that he would "totally be willing" to shut down the government if he doesn't get it. Democratic leaders — including Senate Minority Leader Chuck Schumer of New York — have said they would approve \$1.6 billion for the wall, placing the two sides billions of dollars apart as the lame-duck session begins. Raising the stakes even higher for the GOP, Trump said the \$5 billion would cover only the physical border. "The number is larger for border security," he said.

Reported similarly:

[USA Today](#) [11/28/2018 2:50 PM, William Cummings]

[CNN](#) [11/28/2018 11:41 AM, Devan Cole and Sunlen Serfaty]

[CNBC](#) [11/28/2018 11:06 AM, Jacob Pramuk, 5905K]

[Newser](#) [11/28/2018 8:35 AM, Jenn Gidman, 208K]

[The Daily Caller](#) [11/28/2018 10:04 AM, Nick Givas, 909K, DC]

[Washington Examiner](#) [11/28/2018 9:05 AM, Eddie Scarry, 567K, DC]

### **Hispanic Caucus sets red lines on DHS spending bill**

[The Hill](#) [11/28/2018 2:03 PM, Rafael Bernal, 2630K] reports the Congressional Hispanic Caucus is calling on Republican leaders to slash funding for immigration enforcement measures in an upcoming Homeland Security appropriations bill. Rep. Michelle Lujan Grisham (D-N.M.), head of the CHC, and fellow CHC member Rep. Joaquin Castro (D-Texas) want cuts to Immigration and Customs Enforcement (ICE) detention capacity and enforcement operations, as well as "zero funding" for President Trump's proposed border wall. "We urge you to oppose a costly mass deportation agenda that undermines our public safety, economic well-being and values," Lujan Grisham and Castro wrote in letter Tuesday

to House Speaker Paul Ryan (R-Wis.), Senate Majority Leader Mitch McConnell (R-Ky.), Senate Appropriations Committee Chairman Richard Shelby (R-Ala.) and House Appropriations Committee Chairman Rodney Frelinghuysen (R-N.J.). Homeland Security is one of seven appropriations bills that need to be passed by Dec. 7 to avert a shutdown, and Trump has threatened to veto any bill that does not include his preferred funding amount for a border wall.

### **Immigration officials are exploiting legal loopholes to continue separating families at the border**

[ThinkProgress](#) [11/28/2018 10:20 AM, Rebekah Entralgo, 480K] reports that on June 20, after weeks of protests and public outrage, President Donald Trump signed an executive order walking back the zero tolerance immigration policy his administration had implemented months earlier, which resulted in the separations of thousands of families. An investigation by ProPublica has since discovered, however, that separations haven't halted completely. According to the report, Catholic Charities, a New York-based organization that provides legal services to immigrant children, has discovered at least 16 separation cases that occurred after June 20. Lawyers came across the cases after analyzing the records of young children placed into temporary or foster care who were categorized as having crossed the border without their parents.

### **Groups demand end to info-sharing on asylum-seeking children**

[Washington Post](#) [11/28/2018 6:47 AM, Frank Bajak] reports that earlier this year, the federal agency tasked with caring for asylum-seeking children separated from their parents at the U.S.-Mexican border officially took on a new, little heralded role: helping to deport relatives of the young migrants. In a Wednesday letter to the heads of the Department of Health and Human Services and the Department of Homeland Security, 112 civil-liberties and immigrant-rights groups, child-welfare advocates and privacy activists are crying foul, demanding an immediate halt to what they call an illegal practice. HHS and DHS are using information on U.S.-based relatives and other potential sponsors obtained from detained children to "arrest and deport those families," the authors complain. Already, they write, "families have become too scared to step forward to sponsor children." At least 41 relatives and household members in the country illegally have been arrested for deportation by ICE based on the data-sharing, Matthew Albence, a top Immigration and Customs Enforcement official, told a September congressional hearing. An ICE spokesman said the arrests occurred from early July to early September but did not provide an updated number, which the AP requested.

Reported similarly: [Common Dreams](#) [11/28/2018 2:28 PM, Julia Conley, 226K]

### **Trump Immigration Proposal Places Health of Migrant Children at Risk**

[National Journal](#) [11/28/2018 8:45 PM, Erin Durkin, 15K] reports despite warnings from health experts and advocates that keeping children in detention puts their health at risk, the Trump administration is moving to detain families that cross the border for the duration of their immigration proceedings. The policy would result in the detention of children for longer periods of time in facilities that would not have a state license. The proposal from the Homeland Security and Health and Human Services Departments would end a long-held court agreement, known as the Flores Settlement Agreement, that laid out terms for the treatment of juveniles in the custody and care of the U.S. government. The agencies say that there are barriers to holding families together during immigration proceedings. The

proposal would create a federal licensing system to get around the barrier and allow DHS to hold family units for longer periods of time.

### **Justice Dept. says judge should lift injunction or be overruled on asylum rule**

[Breitbart](#) [11/28/2018 9:50 AM, Staff] reports that the Justice Department has challenged a San Francisco judge who blocked enforcement of a new restriction on asylum for migrants – lift the restraining order or a higher court will block it. U.S. District Court Judge Jon Tigar issued the temporary restraining order that bars the Trump administration from enforcing its requirement that migrants seeking asylum present themselves at legal ports of entry. The proclamation from President Donald Trump said migrants that cross illegally do not qualify for asylum. Nearly 400,000 immigrants have been detained in the past year after crossing illegally. In a court filing, Justice Department attorneys said the judge's action was legally flawed and "jeopardizes important national interests." Tigar has until Wednesday to grant a stay on the injunction.

Reported similarly: [Epoch Times](#) [11/28/2018 10:33 AM, Zachary Stieber, 206K]

### **How a policy shift may have led to the border confrontation with the migrant caravan**

[USA Today](#) [11/29/2018 5:32 PM, Rick Jervis] reports the tear-gas confrontation between Central American migrants and U.S. Customs and Border Protection agents on Sunday ended with families fleeing clouds of the searing gas near the U.S. border with Mexico in Tijuana. But it may have started months earlier with a policy shift. Around April, CBP announced it was restarting a policy of "metering" asylum-seekers at the border, or only allowing migrants into the U.S. if there is sufficient room in holding facilities on the U.S. side, according to CBP reports. That technique, used on and off again since 2016, created a backlog of migrants at the Tijuana-U.S. border that, coupled with confusion about U.S. immigration law and other factors, led to Sunday's widely televised brush with U.S. border agents.

### **Trump's Deal With Mexico Could Make Asylum Next to Impossible**

[Atlantic Monthly](#) [11/28/2018 11:48 AM, Priscilla Alvarez, 3386K, MA] reports over the course of Donald Trump's presidency, the administration has narrowed what the government considers grounds for asylum, and most recently it tried to ban those who cross the border illegally from requesting the protection. Now, it's considering yet another proposal that could make it even harder for individuals seeking refuge in the U.S. The Trump administration is reportedly brokering a deal with Mexico's incoming government that would require asylum seekers to stay in Mexico while their claims are processed in the United States. Over the weekend, President Trump said on Twitter that migrants would have to remain in the country "until their claims are individually approved in court." While Mexican officials pushed back against the president's tweets, saying no agreement had been reached, discussions are still under way, according to White House Press Secretary Sarah Huckabee Sanders. "We won't have a final decision until the new government actually takes over, which will happen on Saturday," Sanders said at a press briefing on Tuesday, adding that a meeting between Trump-administration officials and Mexico's new foreign minister will be held next week.

Few details have been provided about the arrangement, but the general outline, as described in media reports and by the president, suggests that it would effectively make Mexico a waiting room for thousands of Central American migrants. It's a dramatic



divergence from current policy: Today, individuals apply for asylum once they're on American soil. Once they do, they're either detained or released into the U.S. until their immigration hearing. Trump has repeatedly expressed his frustration with the latter practice, which he decries as "catch and release." His criticisms of the process have escalated over recent months, as thousands of migrants traveling in a caravan arrive at the U.S.-Mexico border. U.S. and international law would dictate that the migrants have the right to apply for asylum once they're inside the U.S. But a deal designed to keep asylum seekers in Mexico would make it difficult, if not impossible, for them to successfully present their case before an immigration judge, according to legal experts. "I do not see a way to do this that will enable the United States to honor its own U.S. laws that guarantee asylum seekers the right to seek asylum," said Greg Chen, the director of government relations for the American Immigration Lawyers Association.

### **The US has made migrants at the border wait months to apply for asylum. Now the dam is breaking.**

[VOX](#) [11/28/2018 7:00 AM, Dara Lind] reports the center of the American asylum crisis is the El Chaparral plaza in Tijuana, which sits at the foot of the western pedestrian bridge to enter the US at the San Ysidro Port of Entry in California. On Sunday, members of the migrant "caravan," after a week of waiting in makeshift Tijuana shelters under poor conditions, marched up to the US side of the border to demand that the US admit them to seek asylum. At the plaza at El Chaparral, Mexican federal police in riot formation blocked the marchers from going any farther toward the bridge. Then the march descended into chaos. Hundreds of marchers evaded and scuffled with Mexican police in an attempt to cross the border en masse. Some of the marchers threw rocks at Border Patrol agents. Agents fired off volleys of tear gas at the crowd, which included families and children. It was nearly inevitable that tensions at the border would boil over, and that they would do so at El Chaparral. For months, it has been the unofficial "waiting room" of the United States.

At San Ysidro and many of the other official crossings that line the US-Mexico border, families who have traveled thousands of miles, fleeing poverty and violence to seek asylum in the United States, have been stopped outside ports of entry before they can set foot on US soil and trigger their legal asylum rights. Before 2016, and in some cases as recently as six months ago, they would have had no problem and no delay. But for the last several months, the Trump administration has made a practice of limiting the number of asylum seekers allowed to enter the US each day — a policy it calls "metering." It's the counterpart of the Trump administration's months-long crackdown on asylum seekers entering the US illegally — telling those who do try to come legally that there's no room for them, and ordering them to wait. They don't say how long the wait will be. And there's no official way for asylum seekers to hold their spot or secure an appointment, no guarantee that they'll ever be allowed to cross.

### **Trump Is Attempting to Prevent Most Asylum-Seekers From Having Access to Legal Representation**

[Slate](#) [11/28/2018 3:15 PM, Bea Bischoff] reports last week, Donald Trump claimed that a deal had been reached on a plan that would keep asylum-seekers on the Mexico side of the border until immigration judges in the United States approve their cases. Incoming Mexican President Andrés Manuel López Obrador denied that a deal had been reached on the subject, but it appears that some agreement to hold asylum-seekers in Mexican border states may be in the works. How such a policy would be implemented remains unclear. Perhaps the idea would be for Mexico to house asylum-seekers in existing shelters run by

churches or charities, or to set up what would essentially amount to a refugee camp on Mexican soil. Maybe the plan is merely to let asylum-seekers languish on the southern side of the border until they give up. Regardless of the details, however, it is clear that such a policy would damage our already broken immigration system beyond repair and all but eliminate the ability of asylum-seekers to find an attorney. Currently, asylum-seekers arriving at the border either present themselves at a port of entry and request asylum from agents stationed there, or attempt to enter the United States without inspection. Many who enter without inspection surrender to Border Patrol immediately. Either way, most asylum-seekers are then processed into immigration detention. Officially, the asylum-seeker is then put in removal proceedings. Some are released shortly after processing with a notice to appear in immigration court at a later date, but many remain detained.

### **The Trump Immigration Crisis Rolls on**

[New York Times](#) [11/28/2018 1:18 PM, David Leonhardt, 22322K] reports that the administration's policy of separating migrant children from their parents at the Mexican border officially ended in June. A recent "60 Minutes" report concluded that the number of separated and detained children could top 5,000 – twice the number the White House lists. An unknown number remain in custody. Many of the guards who implemented the policy continue to suffer from shame and guilt, writes Claudia Kolker, who volunteered in South Texas as an interpreter for separated children, in The Houston Chronicle. "What I saw at the border was far worse than I imagined, not only because of what these families experienced, but because of what had happened to the American workers guarding them," she writes. And the administration may have covertly revived the policy. ProPublica's Ginger Thompson reported on Tuesday that the federal government was separating children "using vague or unsubstantiated allegations of wrongdoing or minor violations against the parents, including charges of illegally re-entering the country, as justification."

### **Tear gas should never be used on children. Period.**

[Washington Post](#) [11/28/2018 5:26 PM, Irwin Redlener, 11653K, DC] reports earlier this week, Ron Colburn, president of the Border Patrol Foundation, told the nodding hosts on "Fox & Friends" that pepper spray, one of the riot-control agents that U.S. Customs and Border Protection officials said they used over the weekend to deter migrants was essentially benign. "It's natural. You could actually put it on your nachos and eat it," Colburn said. That Customs and Border Protection officers elected to deploy riot-control agents under circumstances that endangered the health -- and perhaps the lives -- of children was itself an unconscionable act that should never have been considered by agents of the U.S. government. The fact is that children are uniquely susceptible to deployment of and exposure to riot-control agents such as tear gas and pepper spray. First, respiratory rates in children are faster than that of adults. This means that relative to body weight, a child will inhale significantly more air in any given time frame -- even more so under conditions of stress or panic. We have not a shred of evidence that this cruelty will deter migration.

### **They're Refugees, Fleeing Gang Violence and Domestic Abuse. Why Won't the Trump Administration Let Them In?**

[The Nation](#) [11/28/2018 10:52 AM, Laura Gottesdiener and John Washington] reports a week after MS-13 gang members murdered his girlfriend and promised to kill him next, Wilmer fled his home in Honduras. In 2015, he followed the path that thousands of Central Americans take every year, heading north to the United States, running from violence and hoping to find some form of protection. After traveling alone through Mexico at 17, he

crossed into the United States and was apprehended by the Border Patrol and transferred into the custody of the Office of Refugee Resettlement. After turning 18, he was released and began fighting his asylum case. But this past June, a few months before Wilmer's final hearing, then–Attorney General Jeff Sessions personally intervened in the case of a Salvadoran woman, Ms. A.B.—who fled domestic violence in El Salvador and had been found to qualify for asylum by an appeals court earlier this year. In overturning that decision, Sessions issued sweeping language that judges could use to deny asylum to a broad swath of people coming to the United States for refuge. He lost his asylum case this September and is now appealing.

Ms. A.B.—after fleeing her abusive husband in El Salvador who beat her, sexually assaulted her, and threatened her for over 15 years—was initially denied asylum in North Carolina by Immigration Judge V. Stuart Couch, a former prosecutor involved with the Guantánamo Bay military commissions. When her attorney appealed the denial, the Board of Immigration Appeals ruled that Judge Couch's decision was "clearly erroneous," and sent it back to him to grant her asylum. Instead, Couch—known for his summary denials of women fleeing domestic violence—refused to issue a new ruling, and, against protocol, tried to send it back again to the BIA. A few months later, Sessions swooped in, and sided with Couch against the BIA. But his decision didn't affect Ms. A.B. alone. In his lengthy ruling, Sessions opined about the "private," rather than political, nature of domestic violence and how, in his view, the original intent of the 1951 Refugee Convention was not to protect women fleeing their husbands or people fleeing gang violence, and that these asylum applicants should, in general, be denied. Sessions distinguished between "prototypical" refugees fleeing government persecution and those fleeing "private criminal activity," who, only in "exceptional circumstances," could meet the established standards of asylum. Immigration Judge Dana Marks, speaking to us in her capacity as the president emeritus of the National Association of Immigration Judges, said that the view that domestic violence "is not persecution is a way oversimplification." After being able to point to established case law, *Matter of A-R-C-G-*, for the past four years, women seeking protection from domestic violence, and the attorneys and advocates supporting them, now face a steeper climb.

### **How migrant caravan may force Congress to fix a broken asylum system**

[USA Today](#) [11/28/2018 4:13 PM, Alan Gomez, 193K, WI] reports President Donald Trump has treated the caravan as a purely law enforcement situation, deploying more than 2,000 National Guardsmen, nearly 6,000 active-duty military troops and hundreds of additional Border Patrol agents to line the border with concertina wire and prevent caravan members from illegally entering the country. He tried to cut off asylum for some members of the caravan, but that move was quickly shot down by federal courts. Immigration experts on both sides of the aisle said Congress must determine who qualifies for asylum and set up a fair and speedy process to judge their cases. The backlog of pending asylum applications reached 320,000, or nearly 500,000 individuals, at the end of September, according to the State Department. A separate backlog of asylum seekers - about 348,000 people - await their day in immigration court. Such delays have become a major "pull factor" for migrants applying for asylum, according to the State Department, including the thousands of caravan members waiting in Tijuana. [Editorial note: consult source link for video]

Additional reporting: [Roanoke Times](#) [11/28/2018 4:52 PM, David Inserra, 75K, VA]

### **Report: The overall number of undocumented immigrants in the U.S. is decreasing**

[CNN](#) [11/28/2018 3:47 PM, Grace Sparks] reports that the number of unauthorized

immigrants in the U.S. continued to decrease in 2016, a trend that started in 2007, according to a new report from Pew Research Center. Eleven years ago, there were around 12.2 million undocumented immigrants in the U.S. (up from 3.5 million in 1990) while Pew's most recent report estimates there were around 10.7 million living here in 2016, the lowest estimate in a decade. Among the countries with the most immigrants in the U.S., the biggest decrease in undocumented immigrants was from Mexico. In 2007, around 6,950,000 unauthorized Mexican immigrants were living in the U.S. That figure was down to 5,450,000 in 2016. In 2012, specialists from Pew wrote in an opinion piece for CNN that Mexican immigration had decreased in the US due to a number of reasons including the weak US economy, heightened law enforcement on the border, Mexico's recession from 2008 to 2009, and a decline in Mexican birth rates.

### **Senate panel delays vote on Trump pick to lead Immigration and Customs Enforcement**

[Washington Post](#) [11/28/2018 5:03 PM, Seung Min Kim, 11653K] reports that a key Senate committee delayed a vote on President Trump's pick to lead the main agency handling immigration enforcement, as a coalition of unions raise "serious concern" about Ronald D. Vitiello's ability to effectively lead the agency. Sen. Ron Johnson (R-Wis.), the committee's chairman, said the vote on Vitiello was being delayed so that senators could perform "due diligence" into those concerns raised by unions representing Immigration and Customs Enforcement personnel. One issue they raised in a letter to the Senate Homeland Security and Governmental Affairs Committee is Vitiello apparently sharing images of Trump on Twitter that compare the president to the cartoon character Dennis the Menace. "The nominee to be considered by the Committee, Mr. Ronald D. Vitiello, has only been with ICE for a short period of time, and while this letter neither supports nor opposes his nomination to be our Director, we are aware of several matters that give us serious concern about him," the unions said. Johnson said the committee could vote as early as Thursday on the nomination, which would then have to go to the floor for a final confirmation vote.

Reported similarly:

[Politico](#) [11/28/2018 2:29 PM, Rebecca Rainey]

[The Hill](#) [11/28/2018 2:06 PM, Megan Keller, 2630K]

[Huffington Post](#) [11/28/2018 1:11 PM, Sebastian Murdock, 9094K]

[Law360](#) [11/28/2018 3:16 PM, Kevin Penton]

### **[TX] HHS Watchdog Says Migrant Child Facility Isn't Vetting Staff**

[Law 360](#) [11/28/2018 7:01 PM, Suzanne Monyak] reports that a Texas facility funded by the federal Office of Refugee Resettlement to care for unaccompanied migrant children does not conduct proper criminal background checks on its staff — a requirement waived in part by the agency's then-director days before the facility began operations, the Office of Inspector General has reported. The report, published by the government watchdog on Tuesday, revealed that former ORR Director Scott Lloyd signed off on exempting the Tornillo, Texas, influx care facility from having to conduct child abuse/neglect background checks on staff members, a waiver intended, under ORR regulations, for temporary emergency care facilities.

### **[IA] Fairbank chief: New state policy forces police to assist ICE**

[Atlantic News Telegraph](#) [11/28/2018 12:52 PM, Mike Thomas, IA] reports Fairbank Police Chief Rick Dietrich reported to his City Council on Monday how a state policy change

regarding immigration will affect the city's department. On April 10, Gov. Kim Reynolds signed a bill that would revoke funding for Iowa cities and counties that intentionally violate federal immigration law. Dietrich said the new policy will respect the rights of immigrants, but the police department will assist Immigration and Customs Enforcement in performing their duties, if they come into town.

### **[TX] No one on the inside can talk about what's happening at the tent city for migrant kids**

[Reveal](#) [11/28/2018 3:15 PM, Laura C. Morel and Patrick Michels] reports about 40 miles southeast of El Paso, past the billboards for fast food joints and rugged desert hills, residents of this small community sometimes can see the lights of the nearby detention camp glowing in the night. Some of them have brought gifts for the roughly 2,300 children inside, only to be turned away by guards. Months after the government erected a tent city in the desert, most of what happens inside the encampment remains hidden, even from curious neighbors in the nearby town of 1,600 residents. The only images of the minors in the camp, standing outside in an orderly line or playing soccer, have been released by the Department of Health and Human Services. When it opened in June, the detention camp in Tornillo, Texas, was meant to be a temporary home for children ages 13 to 17 caught crossing the border alone. But its population has grown, and a federal contract will keep it open at least through December. The town's representative in the Texas Legislature, Democratic Texas state Rep. Mary González, said she is particularly concerned that the children aren't receiving adequate legal help. During a recent morning at immigration court in El Paso, she saw several minors from the camp appear before a judge without a lawyer, González said.

## **Legal News**

### **Feds hit with \$60 million claim over migrant infant who died after leaving detention center**

[NBC News](#) [11/28/2018 4:48 PM, Associated Press] reports the mother of a toddler who died weeks after being released from the nation's largest family detention center filed a legal claim seeking \$60 million from the U.S. government for the child's death. Attorneys for Yazmin Juárez submitted the claim against multiple agencies Tuesday. Juárez's 1-year-old daughter, Mariee, died in May. Juárez's lawyers said Mariee developed a respiratory illness while she and her mother were detained at the South Texas Family Residential Center in Dilley, Texas. They accused U.S. Immigration and Customs Enforcement of releasing the pair while Mariee was still sick. The girl died six weeks later in Philadelphia. Jones has also submitted a \$40 million claim against the city of Eloy, Arizona, which officially operated the Dilley detention facility under a "pass-through" agreement with ICE and the private prison company CoreCivic. ICE and CoreCivic replaced its agreement with Eloy in September with an arrangement made with the city of Dilley.

[Legal Reader](#) [11/28/2018 12:06 PM, Ryan J. Farrick] reports a spokesperson for ICE didn't seem to specifically address Juárez's claims, but maintained the Dilley facility has adequate healthcare facilities and staff. "ICE is committed to ensuring the welfare of all those in the agency's custody, including providing access to necessary and appropriate medical care," Jennifer Elzea said. "[...] staffing includes registered nurses and licensed practical nurses, licensed mental health providers, mid-level providers that include a physician's assistant and nurse practitioner, a physician, dental care and access to 24-hour emergency care."



Juarez is seeking \$60 million from the U.S. government.

Reported similarly:

[New York Times](#) [11/28/2018 10:15 PM, Liam Stack, 22322K]

[The Week](#) [11/28/2018 1:08 PM, Brendan Morrow]

### **Immigration Adjudication in the "Trump Era"**

[The Regulatory Review](#) [11/29/2018 4:22 PM, Sarah Madigan] reports, "This is a new era. This is the Trump era," former U.S. Attorney General Jeff Sessions told an audience of immigration officials in April 2017, as he discussed his agenda for criminal immigration cases. In the "Trump era," the U.S. Department of Justice has taken various actions to align the decisions of immigration judges — who are Justice Department attorneys that decide immigration cases — with the President's policy goals. This presidential influence over immigration policy has serious implications for the independence of agency adjudications and, in turn, for the individuals whose rights agencies adjudicate, according to Catherine Y. Kim of the University of North Carolina School of Law. Executive branch control over agency activity is not new, Kim notes. Since the 1980s, the White House has reviewed agency rulemakings. The President also gets to appoint agency leaders to serve at his pleasure. Although the executive branch oversees rulemaking processes, many experts understand that it should not interfere with agency adjudications. After all, previous administrations have, as a matter of convention if not law, kept agency adjudications insulated from the politics of the executive branch. But the Trump Administration has departed from that longstanding tradition, particularly in the immigration space, Kim argues. Kim asserts that Sessions, as Attorney General, promoted the Trump Administration's immigration policy goals through adjudications. For example, Sessions limited individuals' ability to avoid deportation by preventing immigration judges from taking certain deportation cases off their docket. He also restricted asylum eligibility for domestic violence victims. In addition, Sessions sought to clear a "backlog" of cases by setting requirements for immigration judges to move through their cases faster, on pain of "negative performance reviews," Kim notes.

### **[NY] NY Justices Mandate Jury Trials For Deportation-Tied Charges**

[Law 360](#) [11/28/2018 6:28 PM, Kevin Penton] reports that New York's highest court ruled Tuesday that non-U.S. citizens are entitled to jury trials when charged with committing relatively minor offenses in the state that could expose them to deportation upon conviction. The New York Court of Appeals determined in a 5-2 ruling that while the Sixth Amendment to the U.S. Constitution does not guarantee the right to a jury trial for so-called petty offenses, because a conviction for certain offenses exposes individuals to deportation, that real possibility should be considered in determining which charges entitle noncitizens to a trial in the state.

### **[NY] Statement of the New York City Bar Association Concerning the Independence of Veterans Law Judges and Immigration Judges**

[New York City Bar](#) [11/28/2018 4:22 PM, Staff, NY] reports that the City Bar, like numerous other organizations and individuals, has expressed serious concerns about the fairness, propriety, and effectiveness of restrictions recently imposed on immigration judges by the U.S. Department of Justice, including new mandatory numerical case completion quotas which went into effect on October 1, 2018. Now, with the country having just observed Veterans' Day, the City Bar, once again, is deeply concerned by what appears to be a

similar encroachment upon the independence of veterans law judges at the U.S. Department of Veterans Affairs (VA). A recent report in the Washington Post states that, in an apparently unprecedented move, the White House is playing a pivotal role in the selection of veterans law judges and has requested that prospective judges provide information regarding political party and partisan activity as part of the vetting process. Veterans law judges hear veterans' appeals of VA decisions denying benefits in connection with their military service, and are part of the VA.

**[NY] LI immigrant detained after stop for broken headlight expected to be freed**

[Newsday](#) [11/28/2018 11:03 PM, Matthew Chayes, NY] reports that a Central Islip man who lives in the United States illegally and was detained three months ago after a police stop for a burned-out headlight was expected to be freed as early as Wednesday after a judge in Manhattan granted bond. Judge Thomas Mulligan set bond of \$4,000 in the case of Felipe Iñiguez on Wednesday morning at the Varick Street Immigration Court. Iñiguez, who is from Ecuador, was driving home in May after a day's work in Lloyd Harbor installing custom-made kitchen islands when village police stopped and ticketed him and alerted the U.S. Immigration and Customs Enforcement agency.

Reported similarly: [ABC 7 New York City](#) [11/28/2018 11:16 PM, Joe Torres, 4K, NY]

**[MD] Baltimore sues Trump administration over immigration policy**

[The Hill](#) [11/28/2018 1:58 PM, Michael Burke] reports that the city of Baltimore is suing the Trump administration for its efforts to make it more difficult for immigrants who receive public benefits to gain legal status in the U.S. The Trump administration has moved to treat noncash benefits such as food stamps, Medicaid and housing vouchers as a negative factor against immigrants who are seeking to remain in the United States. Baltimore filed the lawsuit in the U.S. District Court for the District of Maryland. The State Department in January revised the Foreign Affairs Manual's definition of "public charge," which refers to a person who is dependent on cash assistance. If a person is considered likely to become a public charge, they can be denied entry into the U.S or legal status. The State Department's amendments allow consular officers to also consider whether visa applicants or their relatives have relied on noncash benefits, according to the city of Baltimore's press release Wednesday. The Department of Homeland Security (DHS) also announced in September that it was proposing a similar change that would make immigrants who receive or are likely to receive noncash benefits ineligible for legal status. "Under long-standing federal law, those seeking to immigrate to the United States must show they can support themselves financially," DHS Secretary Kirstjen Nielsen said in a statement at the time the rule was proposed.

Reported similarly:

[CNN](#) [11/28/2018 11:42 PM, Eli Watkins]

[Baltimore Sun](#) [11/28/2018 10:05 AM, Staff, MD]

[Baltimore Business Journal](#) [11/28/2018 1:21 PM, Carley Milligan, 992K, MD]

**[DC] Judge Orders Reunification of Mother and Son From El Salvador**

[KQED](#) [11/28/2018 3:45 PM, Julie Small, 149K, CA] reports a federal judge in Washington, D.C., has ordered the Trump administration to reunite a Salvadoran mother with her 4-year-old son by midnight on Friday. The two were separated at the border more than eight months ago, when they sought asylum in the U.S. They faced the threat of permanent

separation after federal officials determined the mother was "unfit" to regain custody of her son, based on a warrant for her arrest in her home country. U.S. District Judge Paul Friedman issued the order late Tuesday, following oral arguments in a case challenging the government's decision. Attorneys for the mother, referred to as Ms. Q in court papers, argued that the warrant for her arrest was based on mere allegations that she was involved in a gang, and that she had no criminal convictions in El Salvador or the U.S. and should not be denied reunification with her son based on the warrant. Judge Friedman agreed.

#### **[VA] ACLU Sues Culpeper Sheriff for Helping ICE**

[WVTF](#) [11/28/2018 5:56 PM, Sandy Hausman, 5K, VA] reports the American Civil Liberties Union is suing the sheriff of Culpeper County for cutting a deal with U.S. Immigration and Customs Enforcement or ICE. For many years, ICE has asked local sheriffs to question the people they stop or arrest about their immigration status, and if they're in violation of federal law, to lock them up, but the ACLU says sheriffs don't have the legal right to do that in Virginia. "Neither our current laws nor the constitution currently authorize any locality or any constitutional officer to take on the responsibility to enforce federal civil immigration laws directly or to spend local tax revenues to do so," says Claire Gastenaga.

#### **[NC] ICE drops deportation of Charlotte mom nabbed after she turned up for court**

[Charlotte Observer](#) [11/28/2018 4:43 PM, Michael Gordon and Christina Bolling, 314K, NC] reports the deportation case of a Charlotte immigrant mother arrested after she turned up for a court hearing has been dropped. The woman, who the Observer agreed to identify only by her first name of Maria, was arrested in the Mecklenburg County Courthouse on July 9 by federal Immigration and Customs Enforcement agents. Immigration officials said at the time that Maria had entered the country legally but that her visa had expired in November 2016. The ICE arrest occurred after Maria had moved herself and her two children out of an abusive fiancée's home and into a domestic-violence shelter, her attorneys said. On Nov. 21, she was to appear before a Charlotte immigration judge for a deportation hearing. According to a statement this week from Maria's attorneys and other groups involved in her defense, the deportation case had been closed "with the support of Immigration and Customs Enforcement." Bryan Cox, an ICE spokesman in Atlanta, said Tuesday that he could not discuss Maria's case. He added that he would not dispute reports "That the agency is no longer seeking to remove her from the United States." [Editorial note: consult source link for video]

#### **[TN] An Immigrant Journalist Faces Deportation as ICE Cracks Down on Its Critics**

[The Intercept](#) [11/28/2018 10:46 AM, Alice Speri and Maryam Saleh, 524K] reports that a Tennessee-based journalist who was turned over to U.S. Immigration and Customs Enforcement after being arrested while covering a protest won temporary relief from deportation through the end of the month. But Manuel Duran, who was arrested in April and remains in ICE custody while a court reviews an appeal in his case, believes he was targeted because of his coverage of law enforcement's collaboration with ICE in Memphis's Latino community. He and his supporters say his case is emblematic of a nationwide trend of officials cracking down on journalists and activists who are critical of immigration enforcement policies. Over the last year, a handful of activists from New York to Washington state have found themselves in the crosshairs of ICE. In some cases, like Duran's, they'd had little to no contact with the agency for years, then found themselves facing deportation shortly after vocalizing criticism of the Trump administration's anti-immigrant crackdown.

Bryan Cox, a spokesperson for ICE, did not answer a question about allegations that the agency is retaliating against activists and critical journalists. With regard to Duran, he said, "Claims his arrest was retaliatory in nature are patently false. Hyperbole aside, the actual facts of this case are not in dispute. He was criminally arrested by local police, he is in the U.S. in violation of federal law, and he is subject to an outstanding judicial order of removal issued by a federal immigration judge." Cox confirmed to The Intercept that ICE lodged a detainer request with Shelby County, adding that Duran has "been in the country as an immigration fugitive for more than 10 years." He did not respond to a question about whether ICE was present during Duran's criminal court proceedings. The sheriff's office confirmed that ICE was there.

**[MO] Lawrence man facing deportation gets reprieve until 2022**

[U.S. News & World Report](#) [11/28/2018 5:14 PM, Associated Press] reports that the case against a Kansas man who is fighting deportation to his native Bangladesh will go on until at least 2022. Syed Jamal had the first hearing on his recently reopened case on Tuesday in Immigration Court in Kansas City, Missouri. The Lawrence Journal-World reports Judge Glen Baker said he would review whether Jamal qualified for certain forms of deportation relief. Jamal's wife is also seeking relief from deportation. Baker set the next hearing in the case for April 27, 2022. Jamal and his supporters began fighting his deportation since immigration agents arrested him in January at his home in Lawrence. He was on a plane back to Bangladesh when a court ordered that he be removed from the plane in Hawaii and returned to the U.S.

[Lawrence Journal-World](#) [11/28/2018 2:22 PM, Rochelle Valverde, 38K, KS] reports one of the Jamal's attorneys, Rekha Sharma-Crawford, said that because of a case backlog it was already common for an immigration judge to schedule a hearing one to two years into the future, but recent changes have further exacerbated delays. She said a September decision by then-U.S. Attorney General Jeff Sessions — President Donald Trump forced him to resign earlier this month — limited the discretion of judges and has resulted in more cases going through the immigration court process and in some cases being reopened. Like all U.S. immigration courts, the Kansas City Immigration Court falls under the Department of Justice, which is led by the attorney general. Under Sessions' ruling, immigration judges can no longer decide to terminate or dismiss a deportation case. Instead, a case can only be resolved if the Department of Homeland Security decides not to pursue the case or the case proceeds until it's determined that the immigrant has a legal right to remain in the U.S. The ruling goes on to specifically state that immigration judges have "no inherent authority to terminate removal proceedings even though a particular case may pose sympathetic circumstances."

Reported similarly:

[FOX News](#) [11/28/2018 2:18 PM, Staff]

[Kansas City Star](#) [11/28/2018 12:17 PM, Matt Campbell, 272K, MO]

**[MI] Judge wants answers from ICE on imprisoned Haitian asylum seeker**

[Michigan Live](#) [11/28/2018 8:10 PM, Dana Afana, 531K, MI] reports a federal judge wants an explanation from Immigration and Customs Enforcement on why a Haitian immigrant who came to the U.S. seeking asylum in 2016 has been kept behind bars for more than two years. Haiti native Ansly Damus was granted asylum twice in immigration court in 2016 and 2017, but the government appealed both decisions and kept him behind bars without

explanation, the The American Civil Liberties Union argues in a court filing seeking the man's release. The ACLU argued in Ann Arbor federal court Wednesday, Nov. 28 that Damus' ongoing detention violates constitutional due process rights, asking U.S. District Judge Judith Levy to order him released. Government lawyers denied any violation of due process, but Levy wants details. She pressed the government to provide a factual basis for Damus' detention and the notion that he is a flight risk. "Mr. Damus has constitutional rights in this country," Levy said. "No one told me what the factual basis is for the conclusion in ICE's opinion he's a flight risk. I need to know why ICE is not satisfied." Levy asked for a quick turnaround and recommended Damus stay in Michigan for 24 hours.

Reported similarly:

[Detroit News](#) [11/28/2018 7:25 PM, Sarah Rahal, 154K, MI]

[Michigan Public Radio](#) [11/28/2018 6:04 PM, Virginia Gordan, 24K, MI]

### **[TX] Texas appeals court rejects challenge to immigrant detention centers**

[Austin American Statesman](#) [11/28/2018 10:01 PM, Mary Huber, 134K, TX] reports that an appeals court on Wednesday tossed out a lawsuit challenging the state's licensing of family immigrant detention centers in Texas, including the Dilley and Karnes centers in South Texas. The ruling also reverses an earlier trial court judgment that ordered the state to refrain from licensing such facilities. The lawsuit that was brought by the nonprofit Grassroots Leadership on behalf of several immigrant detainees and their young children had challenged an emergency rule that allowed the state's Department of Family and Protective Services to license the facilities in South Texas after they had been opened by U.S. Immigration and Customs Enforcement in 2014. The facilities, which are operated by private prison companies under contract with ICE, previously had not been licensed by the state. However, a federal court said ICE's policy of detaining mothers and their children in unlicensed facilities violated the "Flores decision," a court settlement regarding migrant children reached in 1997 but revisited over the past two decades. It laid out new policies for ICE that required family detention centers to be "licensed by an appropriate state agency to provide residential, group or foster care services for dependent children," according to the suit.

### **[OR] Governor Brown Proposes \$2 Million to Cover Immigrant Legal Fees**

[Portland Mercury](#) [11/28/2018 3:27 PM, Alex Zielinski, 39K, OR] reports Governor Kate Brown unveiled a \$23.6 billion state budget proposal for the next two years this morning, prioritizing the hot-button issues addressed during her recent re-election campaign. While the plan outlines major spending on those top items, like \$2 billion to help Oregon's floundering school system and \$54 million in permanent supportive housing programs, the budget also flags a few million bucks for a brand-new budget priority: A legal defense fund for immigrants facing deportation. Brown promises \$2 million to pay for attorneys to represent Oregon immigrants navigating the United States' labyrinthine federal immigration court. According to her office, this is the first time Brown has specifically set aside money in the state's budget for immigrant defense. In her budget proposal, Brown notes that almost half of all defendants in Portland's immigration court lack legal counsel, either due to the high cost or the lack of resources to find an attorney. Those who receive legal representation are five times more likely to win their cases and avoid deportation, according to a 2011 study by the American Bar Association.

## **Enforcement News**



**Border Patrol Arrests MS-13 Member Who Traveled with Caravan**

[National Review](#) [11/28/2018 5:38 PM, Mairead McArdle] reports that U.S. Border Patrol agents have arrested a member of the infamous Salvadoran MS-13 gang who admitted to authorities that he traveled with a caravan of Central American migrants who were hoping to qualify for asylum in America. Agents arrested Jose Villalobos-Jobel, 29, shortly after 6 p.m. on Saturday east of the Calexico Port of Entry on the U.S. side of the border, Customs and Border Protection said in a statement Wednesday.

**[VA] Virginia family of Muslim teen raped, slain gets to question killer as part plea deal**

[WUSA 9](#) [11/28/2018 9:54 PM, Peggy Fox and Marcel Warfield, 51K, DC] reports the family of a 17-year-old Muslim girl will get the opportunity to ask the man who pleaded guilty to her murder and rape during Ramadan in Fairfax County, Va. why he committed the crime. Darwin Martinez-Torres, 22, of Sterling, Va., pleaded guilty Wednesday to murder, abduction and rape of Nabra Hassanen. In making a guilty plea, Martinez-Torres avoided the death penalty in Virginia. Torres is an undocumented immigrant from El Salvador.

**[WV] Mexican National Man Pleads Guilty to Immigration Crime**

[WOAY-TV](#) [11/28/2018 9:48 PM, Tyler Barker, 2K, WV] reports a Mexican national man entered a guilty plea to the felony offense of Reentry of a Removed Alien, announced United States Attorney Mike Stuart. Heriberto Tadeo faces up to two years of incarceration when he is scheduled to be sentenced on March 13, 2019. Tadeo is also subject to deportation proceedings at the conclusion of any sentence. On October 17, 2018, Tadeo was found in Ronceverte, Greenbrier County, West Virginia by members of ICE after receiving a tip that individuals were in the country illegally and working in the area. Pursuant to this investigation, ICE agents approached Tadeo and he surrendered to them. Agents immediately confirmed that Tadeo was not in the United States legally, and took him into federal custody. Tadeo's fingerprints matched a prior encounter where he was found near Hidalgo, Texas and deported from the United States to Mexico in 2016. Tadeo illegally reentered the United States prior to his capture in 2018.

**[NC] North Carolina State Students Demand Sanctuary Campus After Previously Deported Felon's Arrest**

[Breitbart](#) [11/28/2018 10:49 AM, Alana Mastrangelo, 2405K] reports that students at North Carolina State University held a meeting last week to discuss how they can pressure the school into becoming a sanctuary campus to stop the police from reporting illegal aliens to Immigration and Customs Enforcement. The desire to make North Carolina State University into a sanctuary campus was spurred by the October arrest of a previously deported felon who had a detention order issued by Immigration and Customs Enforcement. Students became offended upon learning that this individual, who is a convicted felon, had been detained by a police officer and reported to ICE. According to the campus police, the felon is not a student, and was discovered on a construction site at the Greek Village student housing center after hours. Students reacted to what was referred to as "the ICE incident" by collaborating on a project to abolish ICE on campus, according to an email obtained by Breitbart News.

**[NC] "It is cruel and irrational:" Congressman continues fight for local man detained by ICE**

[ABC 11 Raleigh](#) [11/28/2018 4:32 PM, Josh Chapin, 4K, NC] reports North Carolina Congressman David Price talked to ABC11 on Wednesday afternoon about the arrest of Samuel Oliver-Bruno, who was taken into custody by Immigrations and Customs Enforcement last Friday after leaving sanctuary at a Durham church. "It is a really cruel and irrational," Congressman Price said. "What is the man supposed to do: Is he supposed to do what US Citizenship and Immigration Services instructed him to do or what? The enforcement agency has taken advantage of the situation in a way that we're going to really, really look into." Oliver-Bruno was arrested when USCIS told him he had to go to the office for fingerprints-a necessary step to petition for deferred deportation. He said he's gone to the top levels of the Department of Homeland Security and ICE to plead Mr. Oliver-Bruno's case. "I don't think we will be successful but I can hope against hope," Price said. ICE said Mr. Oliver-Bruno is a convicted criminal who "has received all appropriate legal process under federal law, has no outstanding appeals, and has no legal basis to remain in the US." ICE said it focuses its efforts on people who pose the greatest threat to public safety. "ICE only conducts targeted enforcement and does not conduct any type of indiscriminate raids or sweeps that target aliens indiscriminately," ICE said in a statement.

#### **[NC] When Love Is Not Enough: The Health Toll of Immigration Enforcement**

[Rewire](#) [11/28/2018 11:24 AM, Tina Vasquez] reports Julia Perez Pacheco and Samuel Oliver-Bruno have been together for more than 20 years and for the entirety of that time, Oliver-Bruno has been Perez Pacheco's rock. He has supported her financially and emotionally, paying her medical expenses, driving her to doctor's appointments, and caring for her during hospital stays. He is her husband, her caregiver, her "everything," she told Rewire.News through a translator, and soon they may be separated permanently. As has been reported widely, Immigration and Customs Enforcement (ICE) agents in plainclothes violently took Oliver-Bruno into custody on Friday. Since then, the federal agency has transferred the husband and father to the Stewart Detention Center in Lumpkin, Georgia, and according to advocates, his deportation may be imminent. The effect his deportation will have on his life is clear, after having spent over two decades in the United States. Less acknowledged has been the effect his deportation will have on the health of his family members, who have already been shaken to their core by his detainment. ICE ultimately transferred Oliver-Bruno to the Stewart Detention Center in Lumpkin, Georgia, "the black hole of America's immigration system." Most men detained in North Carolina eventually get funneled to Stewart, a detention center notorious for having the highest deportation rate in the country. In 2015, less than 2 percent of men detained at Stewart won their immigration cases. While ICE assured U.S. Reps. David Price and G.K. Butterfield that they would "allow Mr. Oliver-Bruno to remain in the U.S. in detention while his case is adjudicated," the sheer fact of his detainment made him less likely to win his case. Late Monday night, more bad news came. Around 10 p.m., Reps. Price and Butterfield announced that USCIS denied Oliver-Bruno's appeal for deferred action, and that ICE "intends to immediately move forward with [his] deportation to Mexico." In a last-ditch effort, the reps called on Department of Homeland Security (DHS) Secretary Kirstjen Nielsen to reverse Oliver-Bruno's order of removal. As of right now, it is unknown if the sanctuary leader has been deported.

#### **[GA] ICE detains green card applicant with no criminal record**

[ABC 11 Atlanta](#) [11/28/2018 7:42 PM, Elwyn Lopez and Lauren Padgett, 71K, GA] reports the week before Thanksgiving, a couple in metro Atlanta received a knock on their door that has turned their lives upside down. Jiri Emanovsky, a citizen of the Czech Republic who has lived in the United States for over 20 years, was detained by Immigration and Customs

Enforcement officials for overstaying his visa. Emanovsky applied for his green card two years ago. Emanovsky has been married to a U.S. citizen for four years. His wife, Renata Komarkova, said he has no criminal history. In a statement, ICE said Emanovsky entered the country legally but overstayed his visa, which expired about 20 years ago.

**[MO] Honduran national sentenced for illegally re-entering the United States**

[KTTN](#) [11/28/2018 3:03 PM, Staff, MO] reports that a Honduran man who was arrested in Kansas City, Mo., for drunk driving was sentenced in federal court for illegally reentering the United States after having been deported eight times. Jose Salazar-Aguilar, 34, was sentenced by U.S. Chief District Judge Greg Kays to five years and eight months in federal prison without parole. Kansas City, Mo., police officers arrested Salazar-Aguilar on Feb. 19, 2017, for driving under the influence of alcohol, resisting arrest, no insurance, and failure to carry a license. While incarcerated, record checks revealed that Salazar-Aguilar had been removed from the United States on numerous occasions. He was released on bond but apprehended by federal agents during a traffic stop on Feb. 27, 2017. On May 2, 2018, Salazar-Aguilar pleaded guilty to unlawfully reentering the United States after removal for an aggravated felony. This case was investigated by Immigration and Customs Enforcement's (ICE) Enforcement and Removal Operations (ERO).

**[TX] Border Patrol Arrests Two Central Americans in Texas with Gang Affiliations**

[Breitbart](#) [11/28/2018 7:00 AM, Bob Price] reports Laredo Sector Border Patrol agents arrested two Central Americans and identified them as members of the 18th Street gang. The arrests occurred in two separate incidents near the Texas-Mexico border. On November 25, Hebbronville Station agents came upon a group of six illegal immigrants on a ranch near the town of Hebbronville, Texas. The ranches are commonly utilized by migrants to circumvent immigration checkpoints on nearby highways. The agents arrested the group and transported them to the station for processing, according to Laredo Sector Border Patrol officials. All migrants apprehended by Border Patrol agents are put through a biometric background check to determine their criminal history and gang affiliation, officials stated. During the investigation, agents learned one of the men, a Salvadoran national, is a member of the 18th Street gang and had "an extensive criminal record." The second incident occurred on the following day in Laredo. Webb County Sheriff's Office deputies requested assistance from Border Patrol agents in identifying a suspected illegal immigrant. The agents responded to the scene and conducted an immigration interview. They learned the man is a Guatemalan national with no legal status in the U.S., officials stated.

Reported similarly:

[KGNS](#) [11/28/2018 11:42 AM, Staff, 5K, TX]

**[TX] ICE places immigration detainer on alleged hit-and-run driver accused of killing teacher**

[KVIA](#) [11/28/2018 5:25 PM, Jose Villasana, 39K, TX] reports Immigration and Customs Enforcement has placed an immigration detainer on the man accused of running over and killing an El Paso teacher on Thanksgiving Day. "On Nov. 24, 2018, deportation officers with U.S. Immigration and Customs Enforcement (ICE) placed an immigration detainer with the El Paso (Texas) County Sheriff's Department on Joel Josue Velazquez-Herrera, 24, of Ciudad Juarez, Mexico, following his arrest on criminal charges," an ICE spokeswoman said in a statement emailed to ABC-7. ICE said that by placing the immigration detainer, it would be able to take custody of Velazquez, in the U.S. illegally, if he is released by the

sheriff's office after posting bond or if he beats the charges in court. Special traffic investigators with the police department arrested and charged Velazquez with Accident Involving Death for the Thanksgiving day hit-and-run death of Amanda Weyant (Ferguson), El Paso Police said. Velazquez was booked into the El Paso County Detention Facility with a bond of \$150,000.

**[AZ] 3 undocumented men with criminal records arrested in separate incidents in Arizona**

[Arizona Republic](#) [11/28/2018 1:44 PM, Dani Coble, AZ] reports three undocumented men with criminal records were arrested in Arizona last weekend, two of which had attempted to enter Arizona at the Nogales border crossing, the U.S. Customs and Border Protection said. The arrests occurred in separate incidents. Agents from the Nogales border station arrested Agustin Sanchez-Velazquez, a 50-year-old Mexican citizen, after he crossed the border illegally Saturday evening, officials said. A background check revealed Sanchez-Velazquez had been convicted of voluntary manslaughter in Los Angeles County and was sentenced to 16 years in prison in 2005, Customs and Border Protection said. Officials did not provide additional information about why he was released from that sentence sooner. In another incident, Humberto Algandar-Acosta, 42, of Mexico, was arrested Sunday after he was stopped by agents in the Casa Grande area and found to be in the United States illegally, the agency said in a statement announcing the arrests. The agency didn't say why he was stopped. Agents discovered Algandar-Acosta had been previously convicted in Arizona for possession with intent to distribute methamphetamine, heroin and cocaine in 2009 and was sentenced to 37 months, Customs and Border Protection said. Also Sunday, agents in Nogales arrested a third Mexican national, Antonio Carteno-Osorio, 36, after he crossed into the United States illegally.

**[NM] 'Abuse' found by independent autopsy of trans woman who died in ICE custody**

[NBC News](#) [11/28/2018 1:04 PM, Brooke Sopelsa and Tim Fizsimons, 3539K] reports Roxsana Hernandez, a 33-year-old transgender woman from Honduras, died in U.S. detention in May just weeks after requesting asylum at the U.S. border. Now, six months later, an independent autopsy report has found that she suffered "physical abuse" before her death. The report by Dr. Kris Sperry, a forensic pathologist from Georgia, found that Hernandez had "deep bruising" to the chest wall and "deep contusions extending on to the back." Sperry also found that Hernandez's wrists exhibited bruises "typical of handcuff injuries." In a statement on May 25, the day Hernandez died in a New Mexico hospital, ICE gave the preliminary cause of death as cardiac arrest, adding that that finding was pending an autopsy by the New Mexico medical examiner's office. A spokesperson for ICE denied any allegation that Hernandez had been abused while in the agency's custody. The spokesperson, Danielle Bennett, said in an email that while the agency "cannot speak to the validity of the private autopsy," a review of Hernandez's death conducted by ICE's Health Service Corps confirmed that she had a history of untreated HIV. Bennett said that no one at the two hospitals where Hernandez was treated had raised "any issues of suspected physical abuse." She added that the agency would continue to review the case.

Reported similarly: [Washington Times](#) [11/28/2018 7:32 AM, Associated Press, DC]

**[NM] Father seeking asylum is released from immigration jail after 21 months**

[KOAT](#) [11/29/2018 2:11 AM, Marissa Armas, 30K, NM] reports that after being in a New Mexico immigration jail for almost two years, a man seeking asylum in the U.S. released.

Manuel Perez, 28, was reunited with his wife and children in California on Wednesday after being detained at the Cibola County Corrections Center for 21 months. His face is hidden and his name was changed because he fears he will be targeted because he is Mayan. "He was fleeing a vague threat to his life, he was beaten because of his ethnicity, because of who he is," said Allegra Love, director of the Santa Fe Dreamers Project.

#### **[OR] Final ICE Detainees Leave Federal Prison In Oregon**

[Oregon Public Broadcasting](#) [11/28/2018 4:23 PM, Conrad Wilson, 54K, OR] reports hundreds of Immigration and Customs Enforcement detainees that were once housed in five federal prisons across the Western United States have been released, deported or transferred to other facilities. The last ICE detainee being housed at the federal prison in Sheridan, Oregon, was transferred on Wednesday to the Northwest Detention Center in Tacoma, Washington, a private civil detention facility where the agency houses more than 1,000 immigrants. The second to last detainee was released and granted asylum by an immigration judge Monday.

#### **[CA] MS-13 Member Says He Traveled with Migrant Caravan to California**

[Breitbart](#) [11/28/2018 12:21 PM, Bob Price, 2405K] reports Border Patrol agents assigned to the El Centro Sector in California arrested an MS-13 member who claimed he traveled through Mexico with a migrant caravan. The agents made the arrest after he illegally crossed the border from Mexico into California. El Centro Station agents patrolling east of the Calexico Port of Entry came upon a suspected illegal immigrant who just crossed the border from Mexico. During an interview, the agents learned the man is a Honduran national who claimed membership in the hyperviolent MS-13 gang, according to El Centro Sector Border Patrol officials. The Honduran national told agents he traveled through Mexico as part of a large group of caravan migrants coming from Central America with the intention of filing for asylum in the U.S., officials stated. The agents identified the man as 29-year-old Jose Villalobos-Jobel, a citizen of Honduras. The agents were also able to confirm the man's claim of being a member of MS-13 and his intent on illegally entering the U.S. Border Patrol officials detained the MS-13 gang member.

#### **[CA] Honduran who was deported from America in 2006 becomes the first MS-13 gang member in the caravan to be arrested**

[Daily Mail](#) [11/28/2018 5:29 AM, Andy Torres, UK] reports a Central American man, who was previously deported from the United States, was arrested near a border crossing in California after he admitted to being an active member of the MS-13 gang while planning to seek asylum. Officers at the U.S. Customs and Border Protection station in Calexico, California, approached Jose Villalobos-Jobel on Saturday and detained him after he was suspected of being in the United States without legal documentation, according to CBS affiliate KESQ. The 29-year-old, who traveled through Mexico after joining the migrant caravan in his native country of Honduras, confessed to border patrol agents from the Calexico Port of Entry that he belonged to the notorious criminal organization. A Las Vegas immigration judge in 2006 handed down a deportation order for the Honduran man, who was 'physically removed via escort flight' to his homeland. It is not known why he was deported. The arrest of Villalobos-Jobel comes after President Donald Trump' claimed that members of the gang would try to infiltrate the caravan in the hope of being granted asylum.

#### **[CA] Return possible for Oakland nurse whose deportation split family**



[San Francisco Chronicle](#) [11/28/2018 6:45 PM, Bob Egelko, 381K, CA] reports a woman whose case drew national attention last year when immigration officials tore her from her children and her job as a nurse in Oakland and deported her to Mexico has a chance to beat the odds and return to the Bay Area, thanks to a lottery drawing and a recommendation from a U.S. consular officer. The final decision is in the hands of a Trump administration immigration agency. The agency made a preliminary decision in the woman's favor last month, but the administration has taken a hard line on undocumented immigrants. The woman, Maria Mendoza-Sanchez, has "become Exhibit A in the California-vs.-Trump immigration front lines," said her immigration lawyer, Camiel Becker of Oakland.

**{End of Report}**



# EOIR MORNING BRIEFING

U.S. Department of Justice  
Executive Office for Immigration Review  
By TechMIS

[Mobile User Copy and Searchable Archives](#)

**Friday, Nov. 30, 2018**

## **Executive Office for Immigration Review**

A way forward on immigration: For starters, attack the insane backlog in our courts..... 3

New Numbers: 91 Percent of Central American Asylum Seekers Have Bogus Claims..... 3

[NY] NYC Bar Association Backs Independent Immigration Courts..... 4

## **Policy and Legislative News**

No one arrested in border clash is prosecuted..... 4

Mexico Deports 100 'Violent' Migrants After Caravan Mob Rushed Border ..... 5

Caravan women launch hunger strike, putting pressure on U.S. and Mexico.... 6

The tear gas is gone. But in this shelter at the border, the situation is getting worse..... 6

Trump's 'Remain In Mexico' Border Deal Has Serious Legal Problems..... 6

Daunted by U.S. border, some caravan migrants seek asylum in Mexico — for now ..... 7

Can they do that? Trump administration fires tear gas, starts wait list for migrants seeking asylum.....7

Immigration Experts: Tear Gas Has Been Used at the Border for Years, But Never on Children.....7

Trump's fateful Mexico choice: Work with the new president or run hunker down and watch the border crisis grow 8

U.S. Migrant Crisis and the Global Human Rights Protection Standards .....8

What would actually happen if Trump actually closed the border?.....9

Migrant Caravan Over? Asylum Hopes Fades While Thousands Risk Getting Sick .....9

Mexican crime data may undercut migrant caravan asylum claims: 'You don't pick and choose' .....9

Trump Warned MS-13 Could Be Among Caravan — Border Patrol Just Arrested Member Hoping to Enter U.S. Illegally..9

Border Patrol Agent Reveals The Biggest Risks Associated With The Migrant Caravan..... 10

Record numbers of migrant children are in U.S. custody, hoping they won't be forgotten..... 10

Paul Ryan: 'Makes no sense' to shut down government over border wall ..... 11

Sen. Chuck Schumer accuses Trump of 'trying to manufacture a shutdown' over border wall funding ..... 11

Trump's wall, Schumer's fences, and why the U.S. doesn't actually need additional border security ..... 11

DHS: Trump's \$5 Billion Request Will Build 215 Miles of Border Wall..... 11

The US doesn't have to choose between protecting the border and treating immigrants humanely ..... 12

Number of Illegal Immigrants in U.S. Hits Lowest Level Since 2004 ..... 12

[CA] California Gov.-elect State must face border crisis..... 13

[CA] Calif. AG Seeks \$1.5M Withheld Over Sanctuary City Policies ..... 13

[CA] California Floats Threat Of Suing Trump For Protecting Border With Force ..... 13

[CA] Assembly Members Slam Orange County Jail Over Immigrant Detention Conditions..... 14

## Legal News

112 Legal Groups Criticize DHS' Use Of Migrant Children's Info..... 14

Illegal Alien Sues U.S. Government For Millions After Her Previously Detained Toddler Dies ..... 14

[NJ] ICE slams N.J. over new rules limiting when cops can turn over unauthorized immigrants ..... 15

[MD] Why Is Baltimore Suing Donald Trump? ..... 15

[NC] Lawsuit Challenges New USCIS Policy on 'Unlawful Presence' for Foreign Students and Exchange Visitors ..... 16

[TN] Appeals court issues favorable ruling for detained Memphis reporter Manuel Duran ..... 16

[MI] Haitian asylum seeker to be released after two years behind bars 16

[CA] Concerns raised about 'traumatized' immigrant children still in custody..... 17

## Enforcement News

Illegal immigrant pulls gun on Border Patrol agent ..... 17

[VT] Vermont Delegation Raises Alarm Over Planned Border Patrol Checkpoints Within State ..... 18

[MA] Records show MS-13 member bragged accomplice stabbed Lynn teen, records show ..... 18

[RI] Alleged 'kingpin' of city drug ring sentenced..... 18

[NY] ICE fails to detain felon for deportation when released from Suffolk jail ..... 19

[NY] Appeal filed to keep Abigail Hernandez in United States ..... 19

[WV] ICE agents arrest man in Ripley for being in the country illegally for second time ..... 19

[WV] Mexican national found to be in U.S. illegally enters guilty plea in federal court in W.Va. .... 19

[WV] Illegal Alien found in Ripley to be deported.....20

[NC] Immigrant deported after seeking refuge in N. Carolina church .....20

[KY] ICE officers arrest man for rape of underage girl .....20

[AL] Charges against Jasper kidnapping suspect sent to grand jury .....20

[FL] Teen accused of video-game rape is illegal immigrant: DHS .....21

[MI] Illegal immigrant pleads guilty in hit and run that killed Wixom teen, Justin Lee .....	21
[IA] Men imprisoned for entering U.S. illegally .....	21
[TX] Affidavit: Driver ran two red lights before killing teacher, told father to report car stolen.....	22
[NM] Transgender detainee was beaten before dying of dehydration in ICE custody, independent autopsy finds ....	22
[AZ] Border Patrol agent hospitalized after being attacked by illegal immigrant .....	23

[AZ] ICE Drops Migrants At Bus Stations, Nonprofits Respond .....	23
[WA] Man detained by ICE killed himself after being taken off suicide watch: report .....	23
[CA] 3 dead, 8 injured after pickup truck hits spike strip and flips during high-speed chase with Border Patrol .....	24
[CA] Undocumented immigrants detained after boat washes ashore in Laguna Beach.....	24
[CA] Deported Oakland nurse may get to return to U.S. ....	24

## Executive Office for Immigration Review

### **A way forward on immigration: For starters, attack the insane backlog in our courts**

[New York Daily News](#) [11/30/2018 5:00 AM, Robert Morgenthau, 1197K, NY] reports the prospect of a divided 116th Congress has led some pundits to predict gridlock on immigration between a President and Republican Party obsessed with further controlling the border and a Democratic Party that's chiefly interested in putting millions of undocumented people on a path to legal status. But I see the possibility of an historic bipartisan consensus — if the House and Senate have the good sense to focus attention on the unconscionable, impossibly choked state of our immigration courts. People on all sides of the issue can agree on one thing: What we are doing now is only making the situation worse. Long ago backlogs in these courts, where everything from visa overstates to routine changes in immigration status are adjudicated, became absurd. Then they got much worse. According to a think tank at Syracuse University, since the beginning of fiscal year 2017, the backlog of cases has doubled. The active backlog has reached an historic high of 768,257 cases. But on top of that, the Executive Office for Immigration Review summarily reopened 330,211 previously closed cases. The result is that for the first time in history, the backlog now totals over a million cases. Kafka would laugh if he didn't cry. What does this mean in human terms? That think tank at Syracuse estimated that if immigration courts did nothing but work on the backlog, it would take over five years to clear up the cases.

### **New Numbers: 91 Percent of Central American Asylum Seekers Have Bogus Claims**

[Town Hall](#) [11/29/2018 3:45 PM, Katie Pavlich, 348K] reports new numbers from the Department of Homeland Security show that just 9 percent of asylum claims made by individuals from Central America turn out to be legitimate. In recent years, data shows that more than 65 percent of asylum seekers at our border are from Central America -- of those 89 percent pass their initial credible-fear interview," DHS spokesperson Katie Waldman released Thursday afternoon. "Yet, the harsh reality is that 31 percent of aliens who pass that initial interview do not even show up for their hearing, while a staggering 40 percent of aliens who pass their initial interview do not even file an application." "Ultimately, only 9 percent of Northern Triangle petitioners are found eligible for asylum by a judge -- leaving

91 percent ineligible for asylum," she continued. Current U.S. immigration law requires illegal aliens traveling from Central America as a family unit, specifically with children, to be released into the interior of the United States after 20 days of federal detention. "Where are those 91 percent today? While some are properly removed from the U.S. by Immigration and Customs Enforcement (ICE), many of those who are released on a promise to appear in court disappear into the country's interior to live and work illegally. In FY17, only 1 percent of the 226,119 removals conducted by ICE were on Alternatives to Detention," Waldman said.

### **[NY] NYC Bar Association Backs Independent Immigration Courts**

[Law 360](#) [11/29/2018 3:19 PM, Kevin Penton] reports the nation's immigration courts should operate independently and not as an arm of the U.S. Department of Justice, the New York City Bar Association said Wednesday, also calling for an end to a new quota system for evaluating immigration judges. Immigration judges should have the power to manage their own dockets and be secure in decisions they reach independently, rather than operate as part of the executive branch and the DOJ, the bar association said in a statement. The Trump administration should also rescind a quota system implemented in October that is meant to evaluate immigration judges — who are government employees — in part by the number of cases they complete annually, the association said. "In the near term, the Justice Department should rescind the case completion quotas recently imposed on immigration judges, which foster perverse incentives to complete cases as quickly as possible and without regard to due process," the group said. "The number of cases decided by an immigration judge is no metric for justice." DOJ officials could not be reached for comment Thursday.

In April, the DOJ's Executive Office of Immigration Review informed immigration judges that, starting in October, it would begin considering the quantity of cases they process in their performance evaluations as a means of expediting proceedings. Immigration judges must now complete 700 cases annually and remand fewer than 15 percent of cases in order to satisfactorily meet their job expectations, according to an agency memo. In September, then-U.S. Attorney General Jeff Sessions doubled down on the quota policy, telling a new class of immigration judges during an address in Falls Church, Virginia, they should process cases quickly. He said that while immigration judges may be faced with complex cases, they have an obligation to properly manage their dockets and move their proceedings toward a conclusion. The policy has been much maligned by immigration attorneys. In August, more than 120 legal scholars wrote a letter to Sessions saying that using case quotas as a measure of immigration judges' performance undermines their independence and threatens due process.

## **Policy and Legislative News**

### **No one arrested in border clash is prosecuted**

[Washington Post](#) [11/29/2018 3:01 PM, Elliot Spagat] reports that no criminal charges will be filed against any of the 42 people associated with a caravan of Central American migrants who were arrested in a clash that ended with U.S. authorities firing tear gas into Mexico, The Associated Press has learned. The decision not to prosecute comes despite President Donald Trump's vow that the U.S. will not tolerate lawlessness and extensive preparations for the caravan, which included deployment of thousands of active-duty troops to the border. Rodney Scott, chief of the Border Patrol's San Diego sector, has said those



arrested for illegal entry included 27 men, with the rest being women and children. As frustrations began to mount over the long wait, migrants marched to the border Sunday to appeal for the U.S. to speed things up. It turned unruly when four agents were struck with rocks or projectiles and authorities responded by launching tear gas and pepper spray balls to quell the unrest. But in the end, none of the 42 people had charges brought against them for illegally entering the country or any other counts.

Customs and Border Protection, the Border Patrol's parent agency, referred only two cases to the Justice Department for prosecution and charges were not filed because the accused had medical problems that prevented them from being held in San Diego's detention center, according to a U.S. official familiar with the cases who was not authorized to discuss the matter publicly and spoke on condition of anonymity. Many others were not referred to the Justice Department because they were children or parents accompanying children, the official said. In June, Trump retreated on the administration's "zero-tolerance" policy on prosecuting illegal entries by generally exempting people who enter the country in families. The other adults were not prosecuted because Customs and Border Protection didn't have enough information to pursue charges, including the name of the arresting officers, according to the official, who said it was an extremely chaotic scene. The fate of the 42 immigrants remains unclear. Customs and Border Protection declined to discuss why charges weren't filed but said they still may be subject to deportation. "Depending on their country of citizenship and their case's final disposition, the Border Patrol may turn those people over to Immigration and Customs Enforcement," said spokesman Ralph DeSio. Lauren Mack, a spokeswoman for Immigration and Customs Enforcement, said the agency could not provide information about the immigration status of the 42 arrested without names because it doesn't track people affiliated with the caravan.

Reported similarly:

[CNN](#) [11/29/2018 2:51 AM, Madeline Holcombe]

[National Review](#) [11/29/2018 6:00 PM, Mairead Mcardle]

### **Mexico Deports 100 'Violent' Migrants After Caravan Mob Rushed Border**

[Epoch Times](#) [11/29/2018 2:13 PM, Zachary Stieber, 206K, NY] reports Mexican authorities said that 100 violent migrants have been deported following Sunday, Nov. 25's rush on the United States border. A mob of migrants tried to overwhelm U.S. Border Patrol agents and troops but were mostly driven back to Tijuana after tear gas was fired to disperse the crowd. Following the rush, Mexican officials said they planned to deport some of the migrants involved. In addition to the approximately 100 migrants that were deported, nearly 2,000 Central Americans who were part of the migrant caravans have requested to be returned home, the Mexican government said. About 200 migrants filed for voluntary repatriation on Tuesday and Wednesday. A group of 105 migrants, most of them from Honduras, departed for their home country by plane from Tijuana on Tuesday, Gerardo Elias Garcia, head of Mexico's migration agency, told the Wall Street Journal. In a statement on Monday, U.S. Department of Homeland Security Secretary Kirstjen Nielsen said that despite the migrants attacking American law enforcement officers, no migrants were seriously injured. "Our Border Patrol agents and officers responded admirably and responsibly to the events on Sunday. It is a testament to their training and professionalism that no one was injured," she said. "The accepted use of nonlethal force (also used by the Obama Administration in 2013) prevented further injury to agents and a mass illegal rush across the border. We will not shy away from protecting our people," she said. She also said that the officers who fired tear gas were defending themselves after migrants launched projectiles and rocks at them. "It is

shocking that I have to explain this, but officers can be seriously or fatally injured in such attacks. Self-defense isn't debatable for most law-abiding Americans," she said.

### **Caravan women launch hunger strike, putting pressure on U.S. and Mexico**

[Politico](#) [11/29/2018 4:29 PM, Jesus Rodriguez, 2709K] reports a group of migrant women in the caravan announced Thursday that they would begin a hunger strike to protest the slow pace at which they are being allowed to apply for asylum, as officials from the United States and Mexico are set to meet this weekend to negotiate a plan to process their claims. The protest raises the stakes for the governments of the United States and Mexico, which have been engaged in a back-and-forth about how to process migrants' asylum claims. Fifteen women are set to begin striking, and they expect the number will increase gradually. The women who led the group said they want the governments to expedite humanitarian visas for them, to increase the number of migrants being allowed to cross into the United States, and to halt any deportations against migrants. The fast could put pressure on the incoming administration of Andrés Manuel López Obrador, who will be inaugurated as Mexico's president on Saturday. U.S. Secretary of Homeland Security Kirstjen Nielsen and Secretary of State Mike Pompeo are expected to meet with the incoming administration, including soon-to-be Foreign Minister Marcelo Ebrard, to hammer out a plan for processing migrants after disagreements over the weekend.

Reported similarly:

[The Hill](#) [11/29/2018 10:02 PM, Tal Axelrod, 2630K]

[U.S. News & World Report](#) [11/29/2018 9:18 PM, Christine Murray]

[Breitbart](#) [11/29/2018 4:32 PM, Ildfonso Ortiz and Brandon Darby, 2405K]

[Breitbart](#) [11/29/2018 8:03 PM, Staff, 2405K]

[Bustle](#) [11/29/2018 5:37 PM, Madhuri Sathish, 2433K]

[Newsweek](#) [11/30/2018 4:01 AM, Chantal Da Silva, 1720K, NY]

### **The tear gas is gone. But in this shelter at the border, the situation is getting worse**

[CNN](#) [11/29/2018 5:38 AM, Catherine E. Shoichet and Leyla Santiago] reports that tents cover most of the dirt on the baseball diamond. Pants are hanging out to dry on top of the bleachers. And the scoreboard at Little Padres Park is blank. There's no room for sporting events here now. This municipal sports complex in the Mexican border city of Tijuana is packed with people. It's been transformed from an athletic facility into something entirely different: a temporary home base for thousands of Central American migrants who say they have nowhere else to go. The waiting list at the nearby port of entry grows longer every day. U.S. officials say limited resources and capacity mean they can only process a fraction of cases on the waiting list daily. Meanwhile, human rights groups describe conditions inside this makeshift shelter where migrants are waiting as squalid and unsanitary. Things could get far worse in the coming days, with rain forecast to drench the area. Tijuana's mayor has deemed the situation a crisis and says his city needs more help from federal and international humanitarian officials to handle it. Migrants say life is difficult here – but the situations they're fleeing were far worse. [Editorial note: consult source link for video]

Additional reporting:

[Newsweek](#) [11/30/2018 3:55 AM, Renata Birkenbuel, 1720K]

### **Trump's 'Remain In Mexico' Border Deal Has Serious Legal Problems**

[Huffington Post](#) [11/30/2018 5:45 AM, Roque Planas, 9094K] reports that President Donald Trump's plan to make Central American asylum-seekers wait in Mexico while their cases move forward contains a fatal flaw, according to half a dozen experts interviewed by HuffPost: The obscure provision of immigration law underlying the plan specifically exempts immigrants from being forced to return to Mexico after applying for asylum. The White House is reportedly close to clinching a deal with Mexico's incoming government to send asylum-seekers back across the southern U.S. border while their cases wind through America's beleaguered immigration courts. But even if Mexico's president-elect, Andrés Manuel López Obrador, supports the proposal, the "Remain in Mexico" plan is riddled with legal problems that cast doubt on its feasibility.

Additional Reporting: [Reuters](#) [11/30/2018 6:05 AM, Tom Hals, 4724K]

**Daunted by U.S. border, some caravan migrants seek asylum in Mexico — for now**  
[Washington Post](#) [11/29/2018 5:21 PM, Antonio Olivo] reports that their dreams, as they marched north, were of America, with plentiful jobs, good schools and protections from violence and threats back home. But the future, for the time being, has become this sprawling border city, where hourly wages hover near \$2.50, educational opportunities are lacking, and extreme poverty makes muggings and kidnappings a constant threat. Roughly 1,000 caravan participants have remained in Mexicali, concerned that drug cartel violence and living conditions in Tijuana, which was the final destination, would be unbearable.

### **Can they do that? Trump administration fires tear gas, starts wait list for migrants seeking asylum**

[ABC News](#) [11/29/2018 6:30 PM, Anne Flaherty and Quinn Owen, 2704K] reports the Trump administration has used tear gas on migrants at the U.S.-Mexico border, and now says it won't be able to process asylum claims for several weeks. The situation has raised questions about what the U.S. can and cannot do legally to defend its borders, and what options the migrants and American policymakers have going forward. The U.S. has the legal right to defend its borders, including the use of tear gas. The U.S. also has the right to decide who can enter. The Trump administration said its decision to use tear gas last weekend was made only after "multiple instances" of migrants throwing rocks at border personnel and trying to breach the fence. [Editorial note: consult source link for video]

### **Immigration Experts: Tear Gas Has Been Used at the Border for Years, But Never on Children**

[Roll Call](#) [11/29/2018 10:05 AM, Emily Kopp] reports the use of tear gas by U.S. authorities on asylum-seekers including small children Sunday builds on a legacy of excessive force at the Southern border, but also represents a reversal of reforms made during former President Barack Obama's second term toward more humane policies, according to data released by U.S. Customs and Border Protection this week and immigrant rights experts. Reports of parents and children choking as they ran to escape tear gas at the Mexican border, including a photo of a Honduran mother fleeing the toxic clouds of gas with her twin daughters in each hand, have provoked widespread outrage in recent days. But the incident has also led to scrutiny of a history of alleged civil rights abuses by Customs and Border Protection, including the use of tear gas for almost a decade. The Obama administration introduced the use of 2-chlorobenzylidene malononitrile, commonly referred to as tear gas, to the border patrol's arsenal in 2010. Exposure to tear gas burns the skin and eyes and makes it difficult to breathe and can leave victims with lasting physical trauma, but law

enforcement in the U.S. is permitted to use it for crowd control. But immigrant rights experts say the tear gassing of the migrant caravan — comprising men, women and children who have traveled thousands of miles across Central America — represents an immoral and unprecedented ramp up of already brutal treatment of immigrants at the U.S.-Mexico barrier.

**Trump's fateful Mexico choice: Work with the new president or run hunker down and watch the border crisis grow**

[New York Daily News](#) [11/29/2018 9:35 AM, John Mill Ackerman, NY] reports the thousands of Central American families camped out in Tijuana are not planning an invasion but participating in a peaceful protest. Instead of combatting the United States, these migrants have decided to risk life and limb to travel north with a message of regional reconciliation. Instead of resenting and repudiating Washington, the migrants are demonstrating their faith in the American Dream. To respond to asylum requests with tear gas and military force is to send a loud and clear message throughout Latin America that the American Dream has come to an end and that the United States is in the process of becoming the new "Evil Empire," the phrase that Ronald Reagan used to refer to the Soviet Union in 1983. The enormous concentration in Tijuana is also a direct result of President Trump's new immigration policies, which require migrants to make their asylum requests at official "ports of entry." Despite the recent court decision temporarily suspending Trump's efforts to deny the possibility of asylum requests to migrants who cross between ports of entry, most of the migrants prefer to maximize their chances by dutifully following the President's new guidelines and lining up at the San Ysidro crossing. But patience has its limits, and the endless wait imposed by the new "metering system," which caps asylum requests to three thousand a day, and the seemingly infinite case load at immigration courts, has created an unsustainable situation south of the Rio Grande.

**U.S. Migrant Crisis and the Global Human Rights Protection Standards**

[Modern Diplomacy](#) [11/30/2018 12:09 AM, Dr. Nafees Ahmad] reports that the U.S. restrictive measures have attracted international media attention and the U.S. is hell-bent to send a message to the international community that it would not be privy to the non-binding standard for a safe, orderly and regular migration known as the UN Global Compact on Migration (GCM) arrangement scheduled to be agreed in December 2018 and US is alone capable to take its decisions on immigration issues under America First Policy (AFP). Therefore, the GHRPS for migrants and asylum seekers are apparently immaterial in the US immigration policy objectives. Trump administration under AFP discourse envisions restrictionism, deterrence, and pre-emption against GHRPS while denying public benefits to immigrants at par US citizens. There is a plan to have secret measures to restrict the rights of migrants and asylum seekers in the US against all protection standards of the so-called civilized world. The rights of refugees, migrants, and asylum seekers are in active violation in the US who espouses the cause of human rights, the rule of law, democracy and diversity worldwide. For example; in the Matter of A-R-C-G- et al. decided on August 26, 2014 at the US Department of Justice by the Executive Office for Immigration Review where the Board of Immigration observed that "married women in Guatemala who are unable to leave or run away from their relationship" which can constitute a cognizable "membership of particular social group" that establishes the basis of the right to seek asylum or withholding of removal under Sections 208(a) and 241(b)(3) of the Immigration and Nationality Act, 1965 and which is also a prerequisite for meeting the criterion of refugee definition under Article 1 of the UNCSR. However, law officers under the Trump administration adamant to subvert the well-

established legal standards that provide respite and reprieve in the cases of domestic violence.

### **What would actually happen if Trump actually closed the border?**

[CNN](#) [11/29/2018 8:56 AM, Z. Byron Wolf] reports that if President Donald Trump's Twitter feed is the window to his thoughts, everything he says there should be taken seriously. So the fact that he has now on three occasions over the past month and a half threatened to "close" the U.S. border with Mexico means he is thinking seriously about it. Border agents temporarily closed one port of entry, in San Diego, over the weekend when frustrated migrants rushed the border. They also shot tear gas to break up the crowd. The next morning Trump reiterated his "close the border" threat and added the word "permanently." But the White House has not explained exactly what the President meant when he threatened to close the border or what exactly that would entail.

### **Migrant Caravan Over? Asylum Hopes Fades While Thousands Risk Getting Sick**

[Newsweek](#) [11/29/2018 12:52 PM, Robert Valencia, 1720K] reports after months of an arduous journey across Mexico, some Central American migrants are giving up on seeking asylum in the U.S., while several of them are falling ill in filthy, overcrowded shelters. The local government in Tijuana, Mexico, allocated a sports complex for the U.S. bound migrants, following their arrival in the border city, Reuters reported. However, the facility does not have the capacity to host the 6,000 Central Americans who now live under poor sanitary conditions there, and some of them have to sleep on the floor using cardboard boxes. Meanwhile, other migrants began setting up tents and living in makeshift shelters, but the overcrowding has also led to the spread of respiratory illnesses, lice and chicken pox, according to anonymous sources consulted by the news agency. In the wake of a strong response by Border Patrol, who over the weekend launched tear gas at the asylum seekers-including children and women-the migrants' hope of seeking refuge on U.S. soil is fading, and at least 350 of them have asked authorities to help them return to their country of origin.

Additional reporting:

[TIME](#) [11/29/2018 12:13 PM, Jorge Ramos, 3468K]

[USA Today](#) [11/29/2018 10:04 PM, Hasan Dudar]

[The New Yorker](#) [11/29/2018 2:21 PM, Jonathan Blitzer, 2055K, NY]

[Preston Business Review](#) [11/29/2018 10:22 AM, Staff]

### **Mexican crime data may undercut migrant caravan asylum claims: 'You don't pick and choose'**

[FOX News](#) [11/29/2018 10:31 AM, Maxim Lott, 10787K] reports that thousands of Hondurans have made the treacherous trip through Mexico to the southern U.S. border, saying they are fleeing gang violence, but some immigration experts say Mexican crime data may undermine their case for asylum – with the caravan passing through several states with lower murder rates than some U.S. cities. Mexico as a whole has a murder rate of 19.3 per 100,000 people, according to U.N. figures, and some parts of the country are extremely dangerous.

### **Trump Warned MS-13 Could Be Among Caravan — Border Patrol Just Arrested Member Hoping to Enter U.S. Illegally**



[Independent Journal Review](#) [11/29/2018 11:13 AM, Madison Summers, 91K] reports that after President Donald Trump claimed that there were MS-13 gang members amongst the thousands of migrants headed toward the southern border, many left-wing news outlets said the president was going off with no evidence. Now, here's the evidence. U.S. Border Patrol arrested an MS-13 gang member – who was part of the migrant caravan – at the southern border at El Centro Sector in California on Saturday night, finding out that the man had the intent to enter the U.S. illegally. The man was arrested at the El Centro station after he revealed that he is an active gang member with the notorious Mara Salvatrucha 13, admitting that he had traveled with the caravan from Central America to the southern border in hope of applying for asylum.

The DHS recently told IJR that there is a legal loophole many immigrants know of in the U.S. which is causing "rampant fraud," allowing for "alien family units to illegally cross the border and enter the United States after a short detention." DHS spokesperson Katie Waldman shared statistics revealing a 110 percent increase in male immigrants showing up at the southern border with a minor – between April and September 2018, 507 migrants were found to be illegitimate family units. The numbers also revealed that between those five months, six individuals were caught lying as they posed to be minors, but they were adults.

### **Border Patrol Agent Reveals The Biggest Risks Associated With The Migrant Caravan**

[The Daily Caller](#) [11/29/2018 9:57 PM, Mike Brest, 909K, DC] reports that the president of the National Border Patrol Council came up with five reasons why the migrant caravan is dangerous and the risks it poses to the U.S. Brandon Judd, who has served as a border patrol agent for over 20 years, stated that the first major issue was economical. There are 8 million illegal immigrants in the workforce, Judd said, citing FAIR. He went on to list crime and the safety of U.S. border agents as additional reasons the caravan is dangerous. Just last weekend, officials were forced to close the San Ysidro port of entry after several hundred migrants attempted storming the border between Tijuana, Mexico, and the San Diego area. Border agents used tear gas to disperse the crowds trying to cross into the country. Judd also brought up political unrest and drug smuggling to round up the top five reasons illegal immigration and the caravan pose dangers to the United States.

### **Record numbers of migrant children are in U.S. custody, hoping they won't be forgotten**

[CNN](#) [11/30/2018 6:00 AM, Rosa Flores, Meridith Edwards, Samira Said and Jessica Schneider, 25865K] reports that Juan has been detained in an unaccompanied child shelter for nearly a year, long enough to see the emotional impact prolonged confinement has on children. Juan is caught in a record backlog that has 14,000 children experiencing longer detention times in shelters across America, according to a Department of Health and Human Services official. About 11,900 children were detained in June that number rose to 12,800 in September. As detention times increase, with some staying up to a year, caretakers have seen children exhibit mental health and behavioral problems, according to a source inside a large detention service provider. This source adds that the unaccompanied children are considered higher risk. And while, in years past, child shelters used to be mission-driven (to serve children), now they are at full capacity and more policy driven.

### **Paul Ryan: 'Makes no sense' to shut down government over border wall**

[Washington Examiner](#) [11/29/2018 12:05 PM, Dominick Mastrangelo, DC] reports that outgoing House Speaker Paul Ryan, R-Wis., expressed doubt Thursday that disagreement about border wall funding is worth a government shutdown. "We don't want to have a shutdown, I have no interest in doing that. That makes no sense," Ryan said during an interview with the Washington Post Live. President Trump has threatened to shut down the government if Congress does not fully fund his \$5 billion border wall between the United States and Mexico. So far, a plan making headway in Congress would appropriate \$1.6 billion for the project. Ryan said he agrees with the president and other Republicans with a hardline outlook on immigration on the need to augment border security, but it should not stop the federal government from operating. "This used to be a bipartisan issue," Ryan said. "It has all of a sudden become partisan for ridiculous reasons in my opinion. It should be bipartisan, securing our border. "

### **Sen. Chuck Schumer accuses Trump of 'trying to manufacture a shutdown' over border wall funding**

[CNBC](#) [11/29/2018 4:18 PM, Jacob Pramuk, 5905K] reports Sen. Chuck Schumer accused President Donald Trump of trying to shut down parts of the federal government for political gains as Congress headed closer to its deadline to fund the government. Lawmakers have to pass spending legislation by Dec. 7 or see funding lapse. Only parts of the government would shut down: lawmakers have already approved bills to fund five agencies, but still need to pass legislation to keep seven other departments running. Trump's demand for \$5 billion for his proposed wall on the U.S.-Mexico border has derailed talks and raised the specter of a partial shutdown. On Thursday, Schumer, the Senate minority leader, put the onus on Trump to avoid letting funding lapse. The New York Democrat contended that "this is the president trying to manufacture a shutdown to fire up his base" over immigration policy. "Make no mistake: The president is the only person who holds the ultimate responsibility for a government shutdown," Schumer said Thursday on the Senate floor. Congress already funded some key agencies such as the Departments of Defense and Health and Human Services. It has not passed spending bills for others such as the Department of Homeland Security.

### **Trump's wall, Schumer's fences, and why the U.S. doesn't actually need additional border security**

[ThinkProgress](#) [11/29/2018 8:00 AM, Frank Dale] reports that the political ecosystem was particularly chaotic on Tuesday thanks to this tweet by CNN's Manu Raju: "Sen. Chuck Schumer tells reporters at his on-cam presser that Democrats' position is \$1.6 billion for wall funding - far less than the \$5 billion Trump wants - but he won't say if Democrats are shutting the door on anything more, saying he's not going to negotiate in public." There was no way Senate Minority Leader Chuck Schumer (D-NY) would agree to additional funding for President Donald Trump's border wall (which Trump promised Mexico would pay for) right as the Democratic Party is about to retake control of the House, right? In order to avoid a government shutdown, Congress and Trump need to agree on a government spending bill by December 7. Whether that bill will appropriate funding for Trump's long-promised wall has become a sticking point.

### **DHS: Trump's \$5 Billion Request Will Build 215 Miles of Border Wall**

[Breitbart](#) [11/29/2018 5:27 PM, Neil Munro, 2405K] reports Department of Homeland Security officials are detailing the border-wall extensions they will build if Congress provides

the \$5 billion sought by President Donald Trump in 2019. The \$5 billion addition will buy "215 miles of Border Patrol's highest priority border wall miles," said a statement by agency spokeswoman Katie Waldman. When combined with the funds provided in FY 2017 and FY 2018, if funded at \$5B in FY 2019 DHS expects to construct more than 330 miles of border wall in the U.S. Border Patrol's highest priority locations across the Southwest border.

A DHS statement said, "When it comes to stopping drugs and illegal aliens across our borders, border walls have proven to be extremely effective. Border security relies on a combination of border infrastructure, technology, personnel and partnerships with law enforcement at the state, local, tribal, and federal level. When we have installed wall in Yuma Sector, we have seen border apprehensions decrease by 90 percent. In San Diego we saw on Sunday that dilapidated, decades old barriers are not sufficient for today's threat and need to be removed so new – up to – 30 foot wall sections can be completed."

### **The US doesn't have to choose between protecting the border and treating immigrants humanely**

[Quartz](#) [11/29/2018 3:19 PM, Annabelle Timsit] reports this weekend, people around the world were shocked to see images of children being tear-gassed by US law enforcement officials. Hundreds of asylum-seekers from Central America had been leading a peaceful protest at the border with Mexico when some protestors tried to breach the border fence, prompting Customs and Border Protection (CBP) officers to fire tear gas into the crowd. Democratic lawmakers in the House of Representatives and Senate were quick to criticize the officers' actions, placing blame on the Trump administration for allowing the situation to devolve and for failing to move forward on immigration reform (something previous administrations have also failed to do). Meanwhile, Homeland Security secretary Kirstjen Nielsen defended the use of tear gas, as did Rodney Scott, chief border patrol agent of the San Diego Sector Border Control. The response from Nielsen, Scott, and others is revealing: It underscores the fact that some Americans see punitive immigration enforcement tactics, including the Trump administration's now-defunct family separation policy, as a justifiable or even necessary means of protecting the territorial integrity of the US. But experts say that the root of the problem is actually a bureaucratic issue—and that there are far more humane ways for Americans to secure their borders.

According to US Customs and Border Protection, 107,212 families were apprehended at the Southwest border of the US during the 2018 fiscal year. That's an increase of 42% from the previous year. Families asking for asylum also now represent a much greater proportion of the arrests made at the southern border than they did just five years ago. Those who end up filing an asylum application encounter a massive administrative and legal backlog, as well as a hostile administration determined to slash the number of refugees the US takes in every year. In fact, the Trump administration lowered the "ceiling" of asylum-seekers from 110,000 in 2017 to 45,000 in 2018. Pro-immigration activists say that cap is far too low, given the sheer number of people fleeing to a US port of entry in search of a safe haven. But the problem is not just that the US takes in only a sliver of the people who apply for asylum; it's also that those who apply face an inefficient bureaucratic process that keeps them in immigration detention for far too long.

### **Number of Illegal Immigrants in U.S. Hits Lowest Level Since 2004**

[News Radio 1200 WOAI](#) [11/29/2018 6:58 AM, Jim Forsyth, 735K, TX] reports that a new study by the Pew Research Center says, despite all the political debate about immigration,

the number of illegal immigrants now living in the U.S. is at its lowest level in 14 years, News Radio 1200 WOAI reports. "In fact, we are now at 10.7 million unauthorized immigrants in the country," researcher Mark Lopez told News Radio 1200 WOAI's Michael Board. "That is the lowest number we have seen since 2004." Figures compiled by Pew show illegal immigration into the U.S. steadily increased during the economic boom of the 1990s and early 2000s, then peaked at 12.2 million right before the start of the Great Recession in 2008, and has been gradually falling ever since. Lopez says there are two major factors behind the gradual drop. "Part of the reason the U.S. government has more Border Patrol Agents than ever working at the U.S. Mexico border," he said, adding that illegal immigrants from Mexico have fallen sharply, as Mexico's economy improves, providing more opportunities for people to stay in their home country. Researchers also cite the fear of smuggling gangs, who frequently kidnap, rape, and extort migrants traveling through their territory in northern Mexico, and there are concerns about the financial cost of having to deal with immigrant smugglers.

#### **[CA] California Gov.-elect State must face border crisis**

[Washington Times](#) [11/29/2018 9:44 PM, Elliot Spagat, DC] reports that California Gov.-elect Gavin Newsom said Thursday the state must do more to address what he called a "humanitarian crisis" at the border with Mexico. Newsom said he planned to discuss the large caravans of Central American migrants when he attends Mexico's President-elect Andres Manuel Lopez Obrador's inauguration on Saturday. "We can't do everything ourselves but I know we're capable of doing more," Newsom said at a news conference at the San Ysidro Civic Center, a short distance from where migrants in the caravan clashed Sunday with U.S. authorities.

[Breitbart](#) [11/29/2018 11:12 PM, Tony Lee, 2405K] reports that after visiting the Otay Mesa Detention Center, Newsom said California's National Guard presence "seems pretty trivial" with 1,800 "military representatives" at the border. Newsom said he would formally make the announcement to call back the National Guard once he becomes governor. "I have every desire to pull those Guardsmen back and assist in other capacities," Newsom, the state's current lieutenant governor, said. "It's my intention today, but every day conditions change, and so I want to caveat that with that understanding."

Additional reporting: [FOX 5 San Diego](#) [11/29/2018 2:54 PM, Matthew Meyer and Justina Myers, 83K, CA]

#### **[CA] Calif. AG Seeks \$1.5M Withheld Over Sanctuary City Policies**

[Law 360](#) [11/29/2018 5:28 PM, Tiffany Hu] reports that California Attorney General Xavier Becerra urged a federal judge on Wednesday to force the government to hand over a roughly \$1.5 million gun law enforcement grant the Trump administration withheld over the state's sanctuary city policies, saying that the administration's "crude attempts" to block funding are endangering communities. U.S. District Judge William Orrick in a Nov. 20 order had tweaked his nationwide injunction barring the administration from cutting off federal funding to so-called sanctuary jurisdictions solely on the basis of immigration enforcement conditions under Section 1373 of the Immigration and Nationality Act, which he found to be unconstitutional. The terms of Section 1373 could only be incorporated in conditions where there was "separate statutory authority" to do so, the judge had ruled.

#### **[CA] California Floats Threat Of Suing Trump For Protecting Border With Force**

[The Daily Caller](#) [11/29/2018 10:22 AM, David Krayden, DC] reports California Attorney General Xavier Becerra is mulling over the possibility of suing the Trump administration for using force, including tear gas, to protect the border with Mexico. On Sunday, U.S. Border Patrol agents repulsed migrants with tear gas who wanted to illegally cross into the United States. Becerra told Reuters on Wednesday that some people have apparently complained about the way that U.S. authorities stopped the migrants. "We have been approached by folks who have expressed complaints," Becerra, who is the son of Mexican immigrants, said. "We are monitoring what's occurring." But California will have to search with determination to find the means to sue the Federal Government over border control, since that responsibility does not belong to state jurisdiction. Becerra suggested to Reuters that California could find an excuse to intervene in the border dispute if a resident of the state is somehow involved in border policy. "I can act unless the rules are on our side," he said.

### **[CA] Assembly Members Slam Orange County Jail Over Immigrant Detention Conditions**

[Documented](#) [11/29/2018 12:25 PM, Mazin Sidahmed] reports that a group of assembly members have criticized Orange County jail for its treatment of Immigration and Customs Enforcement (ICE) detainees held in its facilities. Assemblyman David Weprin, who chairs the Corrections Committee, said he was "quite disturbed" by his visit last week to the Orange County Correctional facility in Goshen, New York. He was joined last week by assembly members Carmen De La Rosa and Nily Rozic. "I don't think they should be treated as prisoners," Weprin told Documented in an interview. "In most of the cases they're [detainees with] immigration violations and in many cases they are individuals seeking asylum."

## **Legal News**

### **112 Legal Groups Criticize DHS' Use Of Migrant Children's Info**

[Law 360](#) [11/29/2018 4:33 PM, Suzanne Monyak] reports that the U.S. Department of Homeland Security and the federal agency tasked with caring for unaccompanied migrant children are illegally using information collected from the kids to deport their relatives, a group of 112 legal organizations alleged Wednesday. The groups, which include the Brennan Center for Justice at New York University School of Law, the National Immigrant Justice Center and the Center on Privacy & Technology at Georgetown University Law Center, wrote to DHS and the U.S. Department of Health and Human Services, calling on them to reverse the policy, which it says is "illegal" and "wrong."

[WSHU Public Radio](#) [11/29/2018 1:58 PM, Charles Lane, 3K, CT] reports according to immigration attorney Bradley Jenkins, the government's information sharing policy is scaring families away from sponsoring children that claim asylum at the border. "Frankly, we're already seeing that the number of children in detention has really just exploded," Jenkins said. Immigration and Customs Enforcement recently justified its policy to Congress, saying that 80 percent of the families willing to sponsor detained children are themselves in the country illegally.

### **Illegal Alien Sues U.S. Government For Millions After Her Previously Detained Toddler Dies**



[Townhall](#) [11/29/2018 9:15 PM, Beth Baumann, 348K] reports that Guatemalan Yazmin Juarez is suing the the Department of Homeland Security and Immigration and Customs Enforcement for \$60 million for the wrongful death of her 19-month-old infant who died six weeks after being released from an immigration facility in Texas, CNN reported. According to Juarez, the facility in Dilley provided sub-par medical care for her daughter who attracted a respiratory infection while at the facility. The Customs and Border Protection declined to comment because of pending litigation. U.S. Immigration and Customs Enforcement defended their attention to medical issues. "ICE is committed to ensuring the welfare of all those in the agency's custody, including providing access to necessary and appropriate medical care," spokeswoman Jennifer Elzea said.

### **[NJ] ICE slams N.J. over new rules limiting when cops can turn over unauthorized immigrants**

[NJ.com](#) [11/29/2018 3:23 PM, Kelly Heyboer, NJ] reports that New Jersey's attorney general unveiled a broad new directive Thursday limiting when local police can ask someone's immigration status and turn unauthorized immigrants over to federal officials for deportation. Standing in the shadow of the Statue of Liberty in Liberty State Park in Jersey City, Attorney General Gurbir Grewal said the new rules – called the Immigrant Trust Directive – are designed to improve relations between local police and immigrant communities. The new rules will draw "a bright line" between federal immigration officials and local police at a time when immigrants are growing more fearful of deportation and federal crackdowns on illegal immigration, Grewal said.

Officials with the federal Immigration and Customs Enforcement agency slammed the attorney general for rules they say will hinder ICE and undermine public safety. "Ultimately, this directive shields certain criminal aliens, creating a state-sanctioned haven for those seeking to evade federal authorities, all at the expense of the safety and security of the very people the New Jersey Attorney General is charged with protecting," said Matthew Albence, an ICE deputy director. In July, ICE officials slammed Middlesex County for its policy of only holding prisoners on ICE detainers if they are accused of serious crimes. "Middlesex County, which aspires to be a 'sanctuary county' by protecting criminal aliens, in the process assists criminals in undermining federal law, and creates a dangerous environment in the community," Ruben Perez, acting field office director of Enforcement and Removal Operations in ICE's Newark office, said in July.

Reported similarly:

[The Hill](#) [11/29/2018 10:49 PM, Tal Axelrod, 2630K]

[Wall Street Journal](#) [11/29/2018 5:52 PM, Joseph De Avila]

[U.S. News & World Report](#) [11/29/2018 3:03 PM, Associated Press]

[Law 360](#) [11/29/2018 5:34 PM, Suzanne Monyak]

[North Jersey Record](#) [11/29/2018 2:28 PM, Hannan Adely, 63K, NJ]

[New Jersey 101.5](#) [11/29/2018 1:54 PM, Sergio Bichao and Michael Symons, 43K, NJ]

[WNYC](#) [11/29/2018 2:59 PM, Matt Katz, 150K, NY]

### **[MD] Why Is Baltimore Suing Donald Trump?**

[Newsweek](#) [11/29/2018 9:36 AM, Chantal Da Silva, 1720K] reports that the City of Baltimore filed a lawsuit against the Trump administration Wednesday. The suit involves a new State Department immigration policy the city said discourages residents from accessing benefits and makes "life miserable for immigrants." The City of Baltimore's

lawsuit, which was filed in the U.S. District Court for the District of Maryland, names President Donald Trump, Secretary of State Mike Pompeo and the State Department as defendants and accuses the government of violating the Constitution's equal protection guarantees. In a statement announcing the suit, Baltimore Mayor Catherine E. Pugh's office accused the government of "unlawfully and secretly" changing the State Department's definition of "public charge," a provision in immigration law limiting who may come to the U.S. Previously, the U.S. government's "public charge" policy, which denies entry to people who are likely to rely on the government for benefits, excluded essential programs, such as health care, free lunch programs and Head Start.

### **[NC] Lawsuit Challenges New USCIS Policy on 'Unlawful Presence' for Foreign Students and Exchange Visitors**

[Fredrikson & Byron](#) [11/29/2018 7:41 PM, Staff, 3K] reports in a new lawsuit filed in the U.S. District Court for the Middle District of North Carolina, several institutions of higher education have challenged a recently announced Trump administration policy, effective August 9, 2018, changing the calculation of the number of days of "unlawful presence" for nonimmigrant foreign students from the date U.S. Citizenship and Immigration Services (USCIS) or an immigration judge finds a violation or orders the student removed to the date the status lapsed. The complaint states that in 1997, the United States adopted a clear policy governing the implementation of the immigration statute. The complaint states that the immigration system "is beset with processing delays, and many of these status determinations are made when an individual is applying for new immigration benefits." Thus, the new policy's use of a backdated unlawful-presence clock "will render tens of thousands of F, J, and M visa holders subject to three- and ten-year reentry bars without any opportunity to cure," the complaint states.

### **[TN] Appeals court issues favorable ruling for detained Memphis reporter Manuel Duran**

[Memphis Commercial Appeal](#) [11/29/2018 6:14 PM, Daniel Connolly, 31K, TN] reports appeals court issued a ruling Thursday in favor of Manuel Duran, the reporter for Memphis Spanish-language media who has spent more than seven months in immigration detention. The ruling by the 11th Circuit Court of Appeals in Atlanta grants Duran an indefinite stay of deportation. Up to this point, Duran's stay of deportation lasted only until the end of November. The court order doesn't make a ruling on the underlying question of whether Duran can remain in the United States. U.S. Circuit Judge Beverly B. Martin, who issued the ruling for the three-judge appeals panel, wrote that Duran has made strong arguments in his favor. First, she wrote Duran has demonstrated that conditions have worsened for journalists in his native country, El Salvador, where violence against reporters has taken place. The court ruling follows a string of legal setbacks for Duran, whose efforts to reopen his immigration case had previously been rejected by the Atlanta immigration court and an appeals board.

[Huffington Post](#) [11/29/2018 11:00 AM, Elise Foley, 9094K]

### **[MI] Haitian asylum seeker to be released after two years behind bars**

[Michigan Live](#) [11/29/2018 12:58 PM, Dana Afana, 531K, MI] reports the federal government has agreed to release a Haitian asylum seeker who has been kept behind bars for two years without explanation. A day after hearing arguments on his detention in Ann Arbor federal court, U.S. District Judge Judith Levy on Thursday issued an order approving

an agreement to have Ansly Damus released from custody before 5 p.m. on Friday, Nov. 30 in Cleveland Heights, Ohio. The agreement between Immigration and Customs Enforcement and lawyers for the Haiti native calls for Damus to wear an ankle monitor and live with his sponsors, Gary Benjamin and Melody Hart, as he awaits further proceedings in immigration court. He can request removal of the monitor after 60 days and again after 90 days, Levy ordered. The husband and father of two was granted asylum twice in immigration court in 2016 and 2017. ICE spokesman Khaalid Walls declined to comment on the case.

[Detroit News](#) [11/29/2018 5:29 PM, Sarah Rahal, 154K, MI] reports Damus sought asylum in the U.S. after being beaten for criticizing a politician in his homeland. An immigration judge granted his asylum application in April 2017, but ICE called for more proceedings to determine if his time in Brazil had rendered him ineligible for asylum. At a hearing in January, the judge granted his asylum, only to have the government appeal again. On Wednesday, ICE could not provide a reason for Damus' further detention or why he was denied parole. U.S. District Judge Judith E. Levy entered the order for his release Thursday while his asylum case is pending with the Board of Immigration Appeals.

Additional reporting:

[Huffington Post](#) [11/29/2018 11:00 AM, Elise Foley, 9094K]

[WKYC News](#) [11/29/2018 11:24 PM, Staff, 59K, OH]

[Michigan Public Radio](#) [11/29/2018 9:53 PM, Catherine Shaffer, 24K, MI]

### **[CA] Concerns raised about 'traumatized' immigrant children still in custody**

[CNN](#) [11/29/2018 9:43 PM, Catherine E. Shoichet] reports that advocates for immigrant families that were separated by the US government said Thursday they're concerned about a group of children who've remained in custody for months even though their parents had designated sponsors to take them in. In a filing in a California federal court Thursday evening, attorneys from the American Civil Liberties Union said there are up to 59 children in this situation. In these cases, parents who'd been deported without their kids told officials they didn't want their children to be repatriated and designated sponsors to care for them in the United States. "We are concerned that such a large number of children, who were, of course, already traumatized by the separation from their parents, are still awaiting placement more than two months after their parents identified a preferred sponsor," the court filing says.

## **Enforcement News**

### **Illegal immigrant pulls gun on Border Patrol agent**

[Washington Times](#) [11/29/2018 10:38 PM, Stephen Dinan, 547K, DC] reports that violence against Border Patrol agents continued to spiral this week with authorities reporting one agent held at gunpoint by an illegal immigrant in California, and two agents in Arizona facing attacks by hand. In the California incident agents responded Monday morning to a report that two illegal immigrants had been detected crossing the border on foot. The first man was apprehended without any problem, but the second, Hector Rodriguez-Chavez, aimed a loaded Star Echeverria pistol at an agent.

### **[VT] Vermont Delegation Raises Alarm Over Planned Border Patrol Checkpoints Within State**

[Vermont Public Radio](#) [11/29/2018 9:57 AM, Jane Lindholm and Sam Gale Rosen, 13K, VT] reports that Vermont's full congressional delegation — Rep. Peter Welch and Sens. Patrick Leahy and Bernie Sanders — issued a joint statement objecting to the U.S. Border Patrol's plan to operate checkpoints deep within the state of Vermont, potentially up to 100 miles from the Canadian border. Exactly where these checkpoints would be located is so far unclear, but the delegation argues they would "cause needless delays for travelers and hinder commerce between Vermont and Canada" and that "they appear to be another escalation of the Trump Administration's aggressive yet wasteful use of immigration enforcement resources." Rep. Welch told VPR's John Dillon that the checkpoints raise a number of concerns: "This is a Trump Administration edict where essentially in 90 percent of our state anybody for any reason could be pulled over because of the Trump Administration's politicization of ICE. There's better ways, more efficient ways, less expensive ways and constitutionally responsible ways to protect our borders." [Editorial note: consult source link for audio]

### **[MA] Records show MS-13 member bragged accomplice stabbed Lynn teen, records show**

[MSN News US](#) [11/29/2018 3:42 PM, Travis Andersen, 55864K] reports a member of the feared MS-13 street gang who allegedly participated in the July murder of 17-year-old Herson Rivas in Lynn, Massachusetts later boasted that an accomplice repeatedly stabbed the boy "as if he were a cow" while the teen begged for his life, records show. The horrific details were contained in a motion prosecutors filed Wednesday in US District Court in Boston seeking the pretrial detention of six suspects, who authorities say belong to the violent Sykos Locos Salvatrucha clique of MS-13. One of the alleged killers, Henri Salvador Gutierrez, 19, of Somerville, made the cow remark during a secretly recorded jailhouse conversation with a cooperating witness on Oct. 29, according to the motion that Assistant US Attorney Kunal Pasricha filed. Pasricha wrote that Gutierrez has ample experience with the justice system, including the immigration courts. Gutierrez, a Salvadoran national, entered the US unlawfully in June 2014 and "went through numerous immigration proceedings" while cycling in and out of custody, Pasricha wrote.

### **[RI] Alleged 'kingpin' of city drug ring sentenced**

[Woonsocket Call](#) [11/29/2018 2:00 PM, Russ Olivo, 3K, RI] reports a Woonsocket man prosecutors describe as "a kingpin" of a three-state drug-trafficking business was sentenced to 20 years in federal prison Wednesday, the U.S. Attorney's Office said. Claudio Valdez, 46, and his brothers, Hector Valdez, 45, also of Woonsocket, and Juan Valdez, 51, of Milton, Mass., had previously pleaded guilty in U.S. District Court to arranging multiple shipments of heroin, fentanyl and cocaine from Mexico to stash houses in Cranston and Woonsocket. The three men, Dominican nationals, re-entered the country illegally after having been previously convicted of felony drug crimes and deported, federal prosecutors said. Immigration detainers have been lodged against all three, which means they'll be tracked for deportation hearings upon the termination of their prison sentences.

During yesterday's sentencing hearing, U.S. District Court Judge John J. McConnell Jr. sentenced Claudio Valdez to 240 months in federal prison, followed by five years of supervised release. The Valdez brothers were captured in a federal probe handled by a special task force dubbed "Operation Triple Play," according to prosecutors. In April 2017,

the investigation culminated in the execution of 15 federal arrest warrants and 13 search warrants by the FBI, with the assistance of federal, state and local law enforcement officers in three states.

**[NY] ICE fails to detain felon for deportation when released from Suffolk jail**

[Long Island Newsday](#) [11/29/2018 8:25 PM, Sandra Peddie, 306K, NY] reports a Salvadoran immigrant in the country illegally – who pleaded guilty to manslaughter in a deal that limited his sentence to time served – was released from the Suffolk County Jail in Riverhead and disappeared for 13 days before immigration agents arrested him to begin deportation proceedings. The release of Wilfredo Flores set off a scramble among federal authorities, who have made undocumented immigrants charged or convicted of serious crimes a priority for deportation. He was apprehended on a federal arrest warrant Thursday night, said authorities, who did not reveal where he was captured. It is unclear why agents for U.S. Immigration and Customs Enforcement, who have offices at the Yaphank Correctional Facility just 15 minutes away, did not pick up Flores immediately upon his release. Although his case was publicized, ICE spokeswoman Rachael Yong Yow said the agency was never notified of his release. Michael Sharkey, chief deputy sheriff at the Suffolk County Jail, said it was, citing an undated note in Flores' file. Flores' case stands out at a time of aggressive enforcement of immigration laws.

**[NY] Appeal filed to keep Abigail Hernandez in United States**

[WHAM-TV](#) [11/29/2018 5:20 PM, Staff, 37K, NY] reports in February, Hernandez was arrested and charged with a felony after creating a Facebook page and posting that she was going to shoot students at East High School. Hernandez later plead guilty to falsely reporting an incident, a misdemeanor. Four weeks after a judge denied requests for Abigail Hernandez to remain in the United States, an appeal has been filed to reverse that decision. In early November, Immigration Justice Steven Connelly rejected efforts to keep her in the United States, saying the defense failed to prove any legal reason why Hernandez should remain in the U.S. The Legal Aid Society told 13WHAM Hernandez' lawyers have filed an appeal to reverse the judge's decision. Hernandez remains at a Batavia detention center during the appeals process.

**[WV] ICE agents arrest man in Ripley for being in the country illegally for second time**

[WSAZ](#) [11/29/2018 12:20 PM, Staff, 37K, WV] reports a man who worked at a restaurant in Ripley, West Virginia may be deported for a second time for being in the country illegally. Domingo Celestino Pacheco-Us, 37, is a Guatemalan National. He was just sentenced to "time-served" after more than three months in federal custody. Pacheco-Us pleaded guilty on Oct. 4 to reentry of a removed alien, a felony. He was taken into custody by Immigration and Customs Enforcement for deportation proceedings.

**[WV] Mexican national found to be in U.S. illegally enters guilty plea in federal court in W.Va.**

[WV News](#) [11/29/2018 6:35 PM, Staff, 13K, WV] reports a Mexican national entered a guilty plea in federal court Thursday for being in the United States illegally. Heriberto Tadeo was the defendant in the case, according to Mike Stuart, U.S. Attorney for West Virginia's Southern District. U.S. Immigration and Customs Enforcement began an investigation after receiving a tip that individuals were in the country illegally and working in the area of Ronceverte, Greenbrier County, Stuart said. As part of that investigation, ICE agents approached Tadeo on Oct. 17. Stuart said Tadeo surrendered himself to the agents, who



determined he was in the country illegally and took him into federal custody. Fingerprint records showed Tadeo had been deported once before. Stuart said Tadeo was charged with reentry of a removed alien. Sentencing is scheduled for March 19, where Tadeo will face up to two years of incarceration. Stuart added that Tadeo will additionally be subject to deportation proceedings at the conclusion of any sentence.

Reported similarly: [Beckley Register-Herald](#) [11/29/2018 11:47 AM, Wendy Holdren, 4K, WV]

**[WV] Illegal Alien found in Ripley to be deported**

[WVNS-TV CBS](#) [11/29/2018 3:57 PM, Douglas Fritz, 2K, WV] reports Immigration and Customs Enforcement (ICE) has taken custody of a Guatemalan man who was found in West Virginia. Domingo Celestino Pacheco-Us, 37, pleaded guilty on Oct. 4, 2018 to a felony charge of Reentry of a Removed Alien. Pacheco-Us was sentenced in front of Judge Irene Berger to time served before he was turned over to ICE for deportation. He spent more than three months in jail. Members of ICE had found Pacheco-Us in Ripley, WV on Aug. 15, 2018. He was illegally working at a restaurant. He was previously deported from the United States in 2012 when he was found in South Komelik, AZ.

**[NC] Immigrant deported after seeking refuge in N. Carolina church**

[Washington Post](#) [11/29/2018 10:49 PM, Jonathan Drew] reports that a Mexican immigrant who sought refuge in a North Carolina church for nearly a year was deported Thursday, federal authorities said. Samuel Oliver-Bruno, 47, was removed from the U.S. and taken to Mexico at 8:45 p.m., said U.S. Immigration and Customs Enforcement spokesman Bryan Cox. Oliver-Bruno was arrested Nov. 23 at an immigration office near Raleigh after he left the church to have his fingerprints taken as part of an application to stay in the U.S. to financially support his son and ailing wife. His application to stay in the U.S. was denied earlier this week. He had been living in the Durham church since late 2017 to avoid immigration officers, who generally don't make arrests in churches and other sensitive locations.

Additional reporting:

[Washington Post](#) [11/30/2018 4:24 AM, Meagan Flynn, 11653K]

[BuzzFeed](#) [11/30/2018 11:24 AM, Stephanie K. Baer, 8149K]

[WRAL](#) [11/29/2018 12:00 PM, Sarah Krueger, 654K, NC]

[Raleigh News & Observer](#) [11/29/2018 3:25 PM, Dawn Baumgartner Vaughan and Camila Molina, 266K, NC]

[ABC 11](#) [11/29/2018 5:20 PM, Gloria Rodriguez, 4K, NC]

**[KY] ICE officers arrest man for rape of underage girl**

[WTVQ](#) [11/30/2018 2:47 AM, Seth Colgan, 4K, KY] reports that according to police, 31-year-old Marco Ramirez was taken into custody by immigration officials Thursday, after a warrant was issued for his arrest. According to his arrest citation, Ramirez raped a 15-year-old girl repeatedly over a period of two years. The citation also says he physically abused the girl, including with a belt. He was arrested at Lexington's city limits Thursday afternoon.

**[AL] Charges against Jasper kidnapping suspect sent to grand jury**

[ABC 33](#) [11/29/2018 7:40 PM, Stephen Quinn, 22K, AL] reports that the criminal charges against an undocumented immigrant who police said tried to kidnap a woman at a Jasper

park were sent to a grand jury on Thursday. Bernardo Castro-Gabriel sat quietly inside a Walker County courtroom as investigators described how he attempted to lure a 14-year-old into his car before attempting to kidnap a woman in broad daylight at Gamble Park. Walker County District Judge Henry Allred ruled there was probable cause to send the charges against him to a grand jury for possible indictment. Castro-Gabriel was accompanied by his lawyer and a translator. Police said the 22-year-old is an undocumented immigrant from Guatemala. In a line of questioning which may have shown a possible defense, investigators testified under questioning by Castro-Gabriel's lawyer they smelled alcohol on his breath when he was arrested in August but were not sure if he was intoxicated. Castro-Gabriel remains in the Walker County Jail on a \$1 million, all-cash bond. [Editorial note: consult source link for video]

**[FL] Teen accused of video-game rape is illegal immigrant: DHS**

[Washington Times](#) [11/29/2018 4:09 PM, Stephen Dinan, 547K, DC] reports the Florida teen accused of raping a girl while still broadcasting live on a video game audio feed is an illegal immigrant who came to the country 17 years ago on a visitor's visa and never left, Homeland Security said Thursday. Daniel Enrique Fabian stands charged with lewd and lascivious battery stemming from the June incident. Another gamer playing "Grand Theft Auto" said Mr. Fabian had bragged he was about to have sex. He then left his microphone on and the other gamer heard a girl repeatedly say "No" as she tried to resist Mr. Fabian's assault, police say. The girl, who is 15 years old, said Mr. Fabian shoved her to his bed and tried to stifle her attempts to resist. DNA was found linking him to the assault, WTSP reported.

A Homeland Security official told The Washington Times that Mr. Fabian does not have permission to be in the U.S. "DHS can confirm Daniel Enrique Fabian entered the United States on a B-2 visitor visa in 2001 from Peru. As a reminder a B-2 is only for up to six months. Fabian did not reapply and remains illegally present in the United States," the official said. Given his age of 18, that arrival would mean Mr. Fabian was about 1 year old when he entered.

**[MI] Illegal immigrant pleads guilty in hit and run that killed Wixom teen, Justin Lee**

[Oakland Press](#) [11/29/2018 1:00 PM, Aileen Wingblad, 22K, MI] reports an illegal immigrant has pleaded guilty to a hit and run that killed a Wixom teen in June. Miguel Ibarra-Cerda, 22, entered his plea Thursday, the day his trial was set to begin before Judge Cheryl Matthews in Oakland County Circuit Court. Ibarra-Cerda is charged with failing to stop at the scene of an accident when at fault, resulting in death, and reckless driving causing death for the collision which killed Justin Lee, 14.

**[IA] Men imprisoned for entering U.S. illegally**

[North West Iowa Review](#) [11/29/2018 3:23 PM, Mark Mahoney, IA] reports that two men who re-entered the United States illegally have been given prison terms in two separate cases after being arrested in N'West Iowa. In one case, U.S. District Judge Leonard Strand sentenced 24-year-old Elmer Antonio Martinez Niz, a Guatemala native who had been living in Sibley, on Nov. 13 in Sioux City to 10 months in federal prison. Martinez Niz received the sentence after a Sept. 17 guilty plea to one count of illegal re-entry, according to the U.S. Attorney's Office for the Northern District of Iowa. Most recently, the Osceola County Sheriff's Department arrested Martinez Niz at about 5:30 p.m. Sept. 8 on charges of second-offense operating while under the influence, an aggravated misdemeanor, and

driving while his license is under suspension, a simple misdemeanor. U.S. Immigration and Customs Enforcement — ICE — had picked him up on Sept. 10 from the Osceola County Jail in Sibley to initiate removal proceedings against him.

In an unrelated case, Strand sentenced 32-year-old Denis Orlando Orellana-Martinez, a Honduras native who had been living in Rock Valley, on Nov. 13 in Sioux City to three months in federal prison. He also must serve a one-year term of supervised release after the prison term. Orellana-Martinez received the sentence after a Sept. 18 guilty plea to one count of illegal re-entry, according to the U.S. Attorney's Office for the Northern District of Iowa. The cases were prosecuted by assistant U.S. attorney Kevin Fletcher and investigated by ICE's Enforcement and Removal Operations.

**[TX] Affidavit: Driver ran two red lights before killing teacher, told father to report car stolen**

[KVIA-TV ABC](#) [11/29/2018 6:30 PM, Jose Villasana, 39K, CA] EL reports the driver who allegedly ran over and killed an El Paso teacher on Thanksgiving day lied to police because he "was scared because he did not have papers" and asked his father to report the suspect vehicle as stolen, a criminal complaint obtained by ABC-7 states. Immigration and Customs Enforcement has placed an immigration detainer on Velasquez, in the country illegally. The detainer will allow ICE to take custody of Velasquez, of Ciudad Juarez, if he is released from jail after posting bond or if he beats the charges in court.

**[NM] Transgender detainee was beaten before dying of dehydration in ICE custody, independent autopsy finds**

[CBS News](#) [11/29/2018 8:47 AM, Erin Tonaghue] reports that a transgender migrant woman who died in Immigration and Customs Enforcement custody in May was beaten and denied proper medical treatment, according to the results of an independent autopsy and lawyers for her family. The private forensic pathologist who conducted the second autopsy at the behest of the family of Roxsana Hernandez Rodriguez concluded the 33-year-old from Honduras likely died May 25 of "severe complications of dehydration," complicated by HIV, after she was transferred to the hospital from ICE's Cibola County Correctional Center in New Mexico. The Transgender Law Center, a civil rights legal group representing Hernandez's family, says Hernandez was repeatedly denied access to medical care when she complained of vomiting and diarrhea, and was only able to see a doctor after suffering the symptoms for days. "According to observations of other detainees who were with Ms. Hernandez Rodriguez, the diarrhea and vomiting episodes persisted over multiple days with no medical evaluation or treatment, until she was gravely ill," the autopsy says. The independent autopsy also uncovered "evidence of physical abuse," with deep bruising on the left and right sides of her chest, extending to her back, "indicative of blows, and/or kicks, and possible strikes with [a] blunt object." Her body also had deep soft tissue bruising on her wrists "typical of handcuff injuries." The autopsy says the bruising wasn't visible externally.

ICE denies that Hernandez was abused while in their custody. In a statement, the agency said Hernandez was admitted on May 17 to Cibola General Hospital with symptoms of pneumonia, dehydration and complications associated with untreated HIV before her death. "ICE takes very seriously the health, safety and welfare of those in our care, including those who come into ICE custody with prior medical conditions or who have never before received appropriate medical care," an ICE spokesperson said in a statement. "Any death that

happens in ICE custody is a cause for concern, and the agency will continue its full review of this case according to standard protocols."

**[AZ] Border Patrol agent hospitalized after being attacked by illegal immigrant**

[KGUN 9](#) [11/29/2018 9:38 PM, Staff, 17K, DC] reports that in the first incident, agents were attempting to stop a human smuggling operation involving four male suspects. During the arrest attempt, one of the men became combative, according to Border Patrol. The 25-year-old Guatemalan national allegedly threw dirt at an agent's face and swung a belt with a large buckle on it at an agent. After being taken into custody, the suspect also allegedly spit in an agent's face. In the second incident, Border Patrol says an agent was assaulted while attempting to arrest an illegal alien west of Three Points. The agent and a canine partner tracked the 36-year-old Guatemalan national into a desolate desert area. The man became combative and hit the agent several times, according to Border Patrol. The agent eventually took the man into custody.

**[AZ] ICE Drops Migrants At Bus Stations, Nonprofits Respond**

[Fronteras Desk](#) [11/29/2018 8:55 AM, Matthew Casey, 1K, AZ] reports citing a lack of space and the need to stay in line with a court order, ICE started releasing large groups of undocumented immigrant families to Arizona churches and nonprofits in October. But on Monday, ICE dropped off about 30 families at the Phoenix Greyhound bus station. "ICE will often bring migrants to our terminals with tickets and confirmation numbers without notification," company spokesperson Crystal Booker wrote in an email. "Yesterday, migrants were dropped off without confirmation numbers or tickets. Our team does its best to assist under these often unexpected circumstances." Nonprofits and churches in the Valley were called in to help. "They were alerted by Greyhound officials, who noticed the need for help and then called out pretty much anyone they knew who could come and assist," said Leah Sarat, a core volunteer member and spokesperson for the Phoenix Restoration Project. Speaking on background, an ICE official said the migrant families were dropped off at the Greyhound station because faith-based groups and nonprofits the agency works with were not able to take in everyone who was released. The ICE official said the groups have since found more space, and new organizations have come forward to help. The number of families being released is fluid and ICE continues to monitor the situation. The ICE official said the agency won't take more families straight to bus stations, unless it has to.

ICE spokesperson Yasmeen Pitts O'Keefe emailed a written statement: "To mitigate the risk of holding family units (FAMU) past the timeframe allotted to the government, U.S. Immigration and Customs Enforcement (ICE) decides, on a case-by-case basis, whether FAMUs will be detained pending immigration proceedings," the statement said. "In making these determinations, ICE officers weigh a variety of factors, including the individual's criminal record, immigration history, ties to the community, risk of flight, and whether the individual poses a potential threat to public safety. Aliens are fully advised of the terms and conditions of their release."

**[WA] Man detained by ICE killed himself after being taken off suicide watch: report**

[The Hill](#) [11/29/2018 9:31 PM, Emily Birnbaum, 2630K] reports that a Russian national detained by Immigration and Customs Enforcement) killed himself this week a month after he was taken off a brief suicide watch, The Washington Post reported on Thursday. Mergensana Amar, 40, was hospitalized after he tried to hang himself on Nov. 15 and died

last Saturday. His suicide came a few weeks after law enforcement officials found a handmade rope under his bed. They placed him on a two-day suicide watch at the time. ICE spokeswoman Tanya Roman told the post that the government will conduct "a thorough investigation" of Amar's death "to affirm that ICE protocols were followed." "Amar remained in good physical health before this incident and was monitored daily by ICE Health Service Corps medical professionals," she told the newspaper.

[KNKX](#) [11/29/2018 4:19 PM, Will James, 6K, WA] reports Washington state's two U.S. senators and two members of its House delegation are seeking answers about the death of Amar. "It is imperative that there be transparency and a thorough understanding of the circumstances and actions taken leading up to Mr. Amar's death," Sens. Pramila Jayapal and Adam Smith said Thursday in a letter sent to acting ICE director Ronald Vitiello. The lawmakers, all Democrats, asked the ICE director to turn over a number of documents related to Amar's detention and death by Dec. 11. They include a timeline of when Amar was moved to different areas of the detention center and why he was moved; a timeline of medical services he received; and any reports related to his death. An ICE spokeswoman did not answer a question about whether the agency intended to comply with the lawmakers' requests. "Official correspondence is answered through appropriate channels," spokeswoman Tanya Roman said in an email Thursday.

Reported similarly: [Crosscut Seattle](#) [11/29/2018 2:51 PM, Lilly Fowler, 15K, WA]

#### **[CA] 3 dead, 8 injured after pickup truck hits spike strip and flips during high-speed chase with Border Patrol**

[FOX](#) [11/29/2018 7:55 PM, Bradford Betz] reports that a high-speed chase near the U.S.-Mexico border in San Diego County ended with three dead and eight injured after a Chevrolet pickup attempted to flee an enforcement stop, hit a spike strip and rolled into an embankment on Interstate 8 westbound, authorities said in a statement. The pickup was carrying 11 people – 9 of whom were lying unrestrained in the bed – while weaving through traffic and traveling at speeds of more than 100 mph, witnesses said. A male driver and a female passenger were believed to be seated in the cab of the truck, CHP spokesman Officer Travis Garrow said.

#### **[CA] Undocumented immigrants detained after boat washes ashore in Laguna Beach**

[WTHI-TV](#) [11/29/2018 10:50 PM, Staff, 10K, IN] reports 10 people were detained on Thursday after a small panga boat landed in Laguna Beach, California, according to police. Nine of them were undocumented immigrants, according to border patrol spokesman Theron Francisco, and the tenth was a U.S. citizen who was arrested for alien smuggling. A panga is a boat often used for working off the coast of Mexico or Central America, according to the US Coast Guard. The engine-powered vessels are typically 25 to 45 feet long. They're also popular for smuggling, according to Francisco. Laguna Beach police said there were actually a total of 13 individuals who came ashore in the boat.

#### **[CA] Deported Oakland nurse may get to return to U.S.**

[San Francisco Chronicle](#) [11/29/2018 7:00 AM, Taylor Kate Brown, 381K, CA] reports that she's been held up as "Exhibit A" of the Trump administration's hard line on deportation in California. Now an Oakland nurse whose immigration case drew national attention may be coming back to the United States. More than a year ago, Maria Mendoza-Sanchez was forced to leave her home of more than 20 years. An executive order by President Trump



making virtually every undocumented immigrant a priority for removal made her and her husband a target for deportation. She left behind a house in Oakland, a job as an oncology nurse and three of her four children. Mendoza-Sanchez and her husband had been applying for legal status since 2002, and had been granted temporary permission to stay by the Obama administration. Mendoza-Sanchez has already cleared two difficult hurdles to return. First, winning a lottery spot for an H-1B visa for skilled workers, sponsored by her former hospital. She's also gained a consular officer's recommendation that she be granted a waiver to return.

**{End of Report}**